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Contents

Federal Register

Vol. 88, No. 58

Monday, March 27, 2023

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

10533.....17987
10534.....17999

7 CFR

Proposed Rules:

27.....18076

9 CFR

Proposed Rules:

94.....18077

10 CFR

50.....18005

Proposed Rules:

430.....18086

12 CFR

702.....18006

Proposed Rules:

652.....18098

14 CFR

39 (3 documents) 18011, 18016, 18019
71 (5 documents) 18023, 18026, 18028, 18029, 18031
93.....18032

Proposed Rules:

39.....18099
71.....18101

15 CFR

Proposed Rules:

231.....18103

16 CFR

1.....18034

21 CFR

312.....18037

31 CFR

548.....18038

33 CFR

165.....18050
334.....18051

Proposed Rules:

165.....18104

37 CFR

1.....18052

40 CFR

52.....18054
60.....18056

Proposed Rules:

52.....18106

47 CFR

73 (3 documents) 18072, 18073

48 CFR

552.....18074

Federal Register
Vol. 88, No. 58
Monday, March 27, 2023

Presidential Documents

Title 3—

The President

Proclamation 10533 of March 21, 2023

Establishment of the Avi Kwa Ame National Monument

By the President of the United States of America

A Proclamation

Yuman Tribes tell that creation began at a towering mountain in the southernmost reaches of Nevada at the confluence of the Mojave and Sonoran Deserts. The Mojave people call this mountain Avi Kwa Ame, or Spirit Mountain. The mountain and the surrounding arid valleys and mountain ranges are among the most sacred places for the Mojave, Chemehuevi, and some Southern Paiute people, and are also significant to other Tribal Nations and Indigenous peoples, including the Cocopah, Halchidhoma, Havasupai, Hopi, Hualapai, Kumeyaay, Maricopa, Pai Pai, Quechan, Yavapai, and Zuni. These Tribal Nations have been here since time immemorial, and the area contains evidence of human occupancy reaching back more than 10,000 years. Tribal members still sing songs, passed from generation to generation throughout their history, that tell the stories of travel and connection to the springs, peaks, and valleys in alignment with the migration patterns of game species, the availability of water, and the life cycles of the plants they have continually harvested.

For the Tribal Nations that trace their creation to Avi Kwa Ame, the power and significance of this place reside not just in the mountain itself, but radiate across the valleys and mountain ranges of the surrounding desert landscape containing the landmarks and spiritually important locations that are linked by oral traditions and beliefs. Tribal Nations have shared those traditions and beliefs across many generations through Salt Songs, Bird Songs, and other origin songs, which are central to Tribal members' knowledge of the landscape, enabling them to navigate across the diverse terrain, find essential resources, and perform healing, funeral, and other rituals. These traditional and place-based songs connect Tribal members to their homelands, allowing for profound relationships with Avi Kwa Ame and its surroundings and providing healing and spiritual connections even if they are far from home.

The presence of Avi Kwa Ame—which has been designated as a Tribal cultural property and listed on the National Register of Historic Places—in the eastern portion of the area provides a distinctive lens through which members of Tribal Nations experience these sacred lands, the plants and animals found there, and their spiritual traditions. In these traditions, power emanates from the mountain itself, creating spiritual and visual connections throughout the landscape.

The Avi Kwa Ame landscape includes the McCullough and Lucy Gray Mountains in the west; the Piute and Eldorado Valleys, split by the Highland Mountains, in the center; the Castle and Dead Mountains in the south; and the Eldorado Mountains and the monument namesake, Avi Kwa Ame, part of the Newberry Mountains, in the east. This entire landscape is an object of historic and scientific interest requiring protection under section 320301 of title 54, United States Code (the ''Antiquities Act''). The landscape as a whole is significant and unique, providing context for each of its constituent parts, which are themselves objects warranting protection. As well as being an object itself, the landscape contains innumerable individual geologic features, archaeological sites, and havens for sensitive and threatened

species—including the Mojave desert tortoise, Gila monster, and desert bighorn sheep—and it provides habitat for centuries-old Joshua trees and other objects that are independently of historic or scientific interest and require protection under the Antiquities Act. Some of the objects are also sacred to Tribal Nations; are sensitive, rare, or vulnerable to vandalism and theft; or are dangerous to visit and, therefore, revealing their specific names and locations could pose a danger to the objects or the public.

People have lived, traveled, and worked in this landscape for more than 10,000 years. Across the Avi Kwa Ame landscape, projectile points and pictographs give testament to Indigenous peoples' hunting activities, while groundstone artifacts, milling artifacts, and ancient quarries demonstrate how tools were created and used to find, extract, and process both plant and mineral resources. Fluted projectile points, which are some of the earliest stone tool technologies in North America and rarely recorded in southern Nevada, have been found in the McCullough Mountains and nearby areas. Numerous rockshelters can be found amid the cliffs that surround these valleys, where ancestral Indigenous peoples camped or lived. Pottery fragments as old as 1,500 years, found near some of these rockshelters, are believed to have been used either in more stable settlements or camps or for safely transporting materials across long distances. While evidence of the passage of Indigenous peoples is present throughout the landscape, more permanent occupation in the area was limited by water availability, and most camping areas or settlements were temporary, facilitating hunting or allowing people to gather plants or minerals. The Piute Valley is at the center of paleoclimate and anthropological studies focusing on paleoclimatic changes and their influences on uses of the land by Indigenous peoples.

Many of the plant and animal species that live in this landscape have spiritual, cultural, or medicinal value to Indigenous peoples. Traditional hunting of bighorn sheep in the mountainous areas of southern Nevada remains culturally important for some Tribal Nations today. For centuries, people have gathered piñon nuts in the ridges of the McCullough, Newberry, and New York Mountains. The McCullough Mountains contain rockshelters, lithic scatters, artifact scatters, petroglyphs, pine nut caches, a trail, and a residential camp; these places were likely used for winter camps that allowed Indigenous peoples to hunt and collect piñon nuts. To the north, the Highland Mountains hold evidence of many residential camps, quarries, and rockshelters, as well as petroglyphs depicting resources in the area, such as acorns, large game, and water. One rockshelter in the Highland Mountains is particularly unique in that it contains hundreds of well-preserved, otherwise perishable objects, including some likely used for capturing small game. To the northeast, the Eldorado Mountains feature petroglyphs likely inscribed by members of the Fort Mojave Tribe and pictographs that likely were used to provide direction and facilitate travel as people migrated or searched for resources, while the Newberry Mountains in the south contain evidence of quarrying and rockshelters. Ancient Indigenous peoples visited the Castle and New York Mountains to obtain stone such as obsidian for tools, leaving behind petroglyphs and other evidence of their presence. Hiko Spring and the adjacent canyon contain numerous Indigenous petroglyphs along with etchings made by Euro-American settlers as far back as the late 19th century. Rockshelters are also found in the Newberry Mountains, and canyons in the area, including Grapevine Canyon and Sacatone Wash, contain petroglyphs that mark the presence of Indigenous peoples for millennia. The cliffs above Bridge Canyon contain constructed rock walls that continue to be studied to determine their origin and purpose.

The Avi Kwa Ame area's rugged geology, which is unlike the rest of southern Nevada, tells the story of a landscape dramatically changed by its volcanic history, which has sparked the imaginations of geologists for more than 150 years. Each mountain range—the Highland, Castle, Eldorado, Newberry, Lucy Gray, McCullough, and New York Mountains—has long served as

a distinct and important scientific resource to geologists. The plutons, intrusive dikes, and other igneous formations in these ranges have provided particularly important insights into the study of volcanism during the Tertiary period, especially the Miocene epoch.

The Avi Kwa Ame area's desert location and geography also allow for a soundscape that is among the most naturally quiet in the United States. Additionally, the area's exceptional dark skies, rare in highly populated Clark County, have been noted for the excellent stargazing opportunities they offer and for benefits to migratory birds.

The Lucy Gray Mountains, captured within the western border of the area, include incised drainages within rounded igneous boulder fields and isolated springs that support an important migration route for desert bighorn sheep. Rising between the flat expanses of the Ivanpah and Piute Valleys, this range represents an important area for igneous geology and soils research related to volcanism and tectonism.

To the northwest, the McCullough Mountains are characterized by an undulating crest flanked by rocky outcrops and cliffs, punctuated by black basalt and springs. For millennia, Indigenous peoples have sought refuge in the higher elevations that provide respite from the heat of the valley floor; sustenance in the form of piñon nuts and game for hunting; and water and shelter. The ancient Precambrian rock and its desert vegetation—ranging from creosote in the low elevation, to blackbrush and Joshua trees in the middle elevations, to old-growth piñon and juniper in the peaks—provide habitat for desert bighorn sheep and many other animal species.

Running north-south through the center of the landscape, the Highland Mountains contain distinctive large, tilted, colorful igneous and sedimentary rocks and stark cliffs of exposed Precambrian rock. These mountains provide a vital home to a small remnant herd of desert bighorn sheep that survived when most other sheep populations in Nevada were lost to drought, human encroachment, disease, and other environmental pressures. Indigenous peoples camped and hunted in these mountains, and ancient rockshelters and petroglyphs are found throughout the range. Igneous features in the area have also been the subject of decades of geological study by researchers seeking to enhance understanding of ancient volcanic activity.

The low-lying Piute and Eldorado Valleys run through the center of the Avi Kwa Ame area. These valleys contain spiritual pathways and trails that emanate from Avi Kwa Ame that have been followed by Yuman peoples for generations and continue to be significant to Tribal Nations today. Characterized by Mojave Desert vegetation, these valleys provide core habitat for the ancient and threatened Mojave desert tortoise. To the southwest, the Castle Mountains extend from within the Avi Kwa Ame area across the border into California, providing important connectivity for bighorn sheep migrating between southern Nevada and protected lands within California.

In the northeast corner lie the Eldorado Mountains, formed of Precambrian rock and containing sharp ridges with narrow, deep canyons extending to the east that fade into bajadas on the western slope. The highest of these mountains, Ireteba Peak, is named after Irataba, a Mojave Tribal leader of the mid-1800s. Water is scarce here and summer temperatures exceed 120 degrees Fahrenheit, yet the area contains evidence of longstanding human activity, including petroglyphs and pictographs, as well as historic mine sites.

The turbulent geologic past of the Avi Kwa Ame area has sculpted a landscape of steep cliffs, rolling foothills and bajadas, and arid valleys with limited water. Precambrian schist, gneiss, and granite can be found on the west side of the Eldorado Mountains and McCullough Mountains and in the Eldorado Valley, as well as in the Nellis Wash area. The Piute and Eldorado Valleys and the mountains surrounding them have long been a focus for studies of groundwater, geology, alluvial fan formation, flood hazard management, continental extension, and faulting and volcanism.

Among the quartzite cliffs and felsic plutonic rock of the Newberry Mountains, which form part of the eastern boundary of the Avi Kwa Ame area, stands Spirit Mountain, the highest peak within the range. Avi Kwa Ame has been studied extensively by geologists researching the processes that cause the formation of geologic features, such as dikes and batholiths, as well as the development of new methods for geochronology. The mountain's geology features Precambrian rocks in the north and white and pink granitic spires in the south. Avi Kwa Ame and the surrounding Newberry Mountains are foundational in the creation stories of the Mojave, Pai Pai, Cocopah, Kumeyaay, Havasupai, Maricopa, Hualapai, Yavapai, Quechan, and Halchidhoma and are recognized by many Tribes as a place of great spiritual importance. In the foothills of the Newberry Mountains, Hiko Spring Canyon contains the year-round Hiko Spring, an area that has been used by humans for hundreds if not thousands of years, evinced by a collection of petroglyphs depicting bighorn sheep, handprints, and other geometric shapes, as well as historic rock carvings.

Many of the features that made this landscape accessible to Indigenous peoples were also used by Euro-American settlers and traders. Early expeditions of fur traders, miners, and the military passed through the southern part of the Avi Kwa Ame landscape, often following the Mojave Trail, which is still visible today. The trail is part of a network of ancient trails used by Indigenous peoples to safely traverse the harsh and unforgiving Mojave Desert. The easternmost miles of the Mojave Trail in Nevada pass by Granite Springs in the far southeastern corner of the Avi Kwa Ame area. The springs were the first stop on the Mojave Trail for ancient Indigenous peoples heading west from the Colorado River and have provided life-sustaining water to many generations of travelers. The area contains petroglyphs and rockshelters and holds historic and cultural significance for Tribal Nations.

In 1826, Jedediah Smith led a fur trapping expedition on a segment of the Old Spanish National Historic Trail, subsequently labeled the Mojave Road, which was the first use by traders of European descent. The Mojave Road, which bisects the Avi Kwa Ame landscape, continued to be used by traders and settlers traveling between New Mexico and California throughout the 19th century. To the east, within Grapevine Canyon in the Bridge Canyon Wilderness, evidence of 19th century mining roads from the Searchlight District remains on the landscape, as do traces of the Quartette Railroad, which the Quartette Mining Company operated in the early 1900s between Searchlight and the Colorado River. The New York Mountains and Piute Valley were also later used for military training exercises for armored vehicles as part of the Desert Training Center during World War II and during the Cold War, including some under the command of General George S. Patton. Additionally, in the Chiquita Hills area, there is evidence of training operations, including foxholes, rock walls, and gun turrets.

While there is evidence of Indigenous mining in the area going back hundreds of years, the 1890s saw settlers of European descent in the area discover a number of valuable mineral deposits, including turquoise, gold, silver, copper, lead, and molybdenum, which gave rise to a number of mining districts that are replete with evidence of the landscape's mining history. Southwest of the Wee Thump Joshua Tree Wilderness, near the California border, the Crescent Townsite area contains the remnants of a rich history of mining of turquoise and gold, including evidence of railroad construction and mineral exploration and extraction. The surrounding historic Crescent Mining District, which stretched into the New York Mountains and the south end of the McCullough Range, was a hub for turquoise mining in the late 19th century. There is evidence of mining in this area by Indigenous peoples since at least the late 13th century. Workshops, homes, pottery, and polishing tools have all been found, indicating that Indigenous peoples mined the Crescent Peak area for turquoise long before Europeans permanently settled in the Americas. The area was later developed for gold mining; remnants of the mining history, including an early 20th century arrastra

and remnants of a railroad, are scattered among ancient Joshua trees standing sentinel to the passage of generations. While limited studies have occurred, the historic mining districts of Searchlight and Newberry, along with areas in Nellis Wash, also contain remnants of the area's mining past that may provide new historical insights into the metal extraction industry in the area during the first half of the 20th century. As a testament to the harsh and remote landscape and the limited resources necessary to support human habitation, materials from early mining activity and railroads were often repurposed to support subsequent mining and construction of homes and other buildings both inside and outside the Avi Kwa Ame area.

Piute Valley also contains the historic Walking Box Ranch site, which is known for its significance in the history of cattle ranching, mining, entertainment, and politics in southern Nevada. The ranch, initially part of vast holdings grazed by historic Rock Springs Land and Cattle Company in the 19th century, was sold off in the 1920s and was purchased by Hollywood silent film stars Clara Bow and Rex Bell in 1931. The couple operated the ranch together for over a decade as a functioning cattle ranch and occasional vacation retreat for their Hollywood friends. Among the dignitaries hosted by the Bells were General Patton and some of his troops while they were training in the area during World War II. Later, Bell went into politics and served as Nevada's Lieutenant Governor. The United States acquired the property in 2005, and the entire ranch, including the main house, outbuildings and related structures, and associated landscape features, is considered architecturally significant as a well-maintained example of cattle ranch property of the Southwest. Of particular interest are the main house, which features Spanish Colonial Revival architecture, and the barn and elements of the corrals, which provide preserved examples of railroad tie construction.

The rich human history revealed by the Avi Kwa Ame area coexists with the area's scientifically significant biological diversity, rare plants and animals, and ecology. As a whole and across a broad range of taxa, the Avi Kwa Ame area has been noted for providing ecological and habitat connectivity for a wide range of species, offering great potential for scientific studies of plants, animals, and ecosystems. Situated where the Mojave and Sonoran Desert ecosystems converge, and incorporating a wide elevation gradient that supports a broad range of ecosystems, the area both provides homes to a diverse range of species and communities and offers tremendous potential to support adaptation to climate change.

The bajadas and rolling valleys of the Avi Kwa Ame area support plant communities ranging from creosote-bursage scrub, shadscale scrub, and blackbrush to piñon-juniper woodland. The area showcases the transition between the vegetation of the Sonoran and Mojave Deserts, creating unique assemblages of species that do not typically occupy the same ecosystems and as a result are of interest to ecologists, climate scientists, and biologists. Biological soil crusts, desert pavement, and bedrock cliffs and outcrops support unique soil environments and can be found throughout the Avi Kwa Ame area. The Eldorado Valley and Lucy Gray Mountains in particular are of interest to biologists who study biological soil crusts. Nearly the entire area has been classified as an Ecologically Core or Ecologically Intact portion of the Mojave Desert region. Sites spanning a vegetation gradient in the Newberry Mountains provide data for botanists and climate scientists to study changes in climate, land use, and vegetation, and to understand paleoclimate, climate and vegetation change, and desert community ecology. The creosote-white bursage scrub community fills the valleys, plains, and bajadas at low elevations in the Avi Kwa Ame area. This plant community also supports four-winged saltbush and wolfberry. Dune-like sandy soils are home to creosote bush and big galetta grass, while the lowest elevations are spotted with Mojave yucca or Joshua trees. Catclaw acacia, honey mesquite, and sweetbush, rare in arid environments, can be found in washes. The area is also home to rare plants, including the yellow two-tone penstemon, two-toned beardtongue, rosy two-toned penstemon, and white-

margined penstemon, as well as rare bryophytes such as American dry rock moss in Grapevine Canyon.

Joshua trees, found in both the Piute and Eldorado Valleys and west toward the Lucy Gray Mountains, are predicted to be negatively impacted by climate change because of their slow growth and weather-dependent reproduction, and the Piute Valley is scientifically important for studies of this fragile species. In the southwest portion of the area, along the California border from the New York Mountains to the Piute Valley, visitors find thriving forests, particularly around the portion of Highway 164 that runs from Searchlight to the California border. This portion of Highway 164 is known as ''Joshua Tree Highway'' because of the unique density of these trees. Just north of the New York Mountains and Highway 164, the Wee Thump Joshua Tree Wilderness and surrounding area comprise a stunning, old-growth Joshua tree forest, home to Nevada's largest known Joshua tree. The wilderness, named for the Paiute phrase for ''ancient ones,'' contains trees up to 800 years old. Many bird species rely heavily on the nesting cavities the trees provide, and the Wee Thump area is both home to western bluebirds, northern flickers, hairy woodpeckers, and ash-throated flycatchers; and the location of Nevada's only known sightings of the gilded flicker.

Dry slopes, ridges, and valley bottoms found across the Avi Kwa Ame landscape support shadscale scrub plant communities, featuring budsage, winterfat, rabbitbrush, big sagebrush, spiny hopsage, and black greasewood, along with native desert grasses such as bottlebrush squirreltail, Sandberg bluegrass, and Indian ricegrass, and flowering plants such as polished blazingstar. Middle-elevation slopes and upper bajadas are home to blackbrush scrub communities, which shade into piñon-juniper woodland in upper elevations. In the lower reaches of the Newberry Mountains, Mojave Desert plants such as teddy bear cholla, Mojave yucca, barrel cactus, and even smoke tree can also be found. One of the few wet areas, Grapevine Wash, supports cottonwood trees and canyon grape, along with cattails and rushes. The location of the Newberry Mountains at the convergence of the Mojave, Great Basin, and Sonoran Deserts makes the area the terminus for the range of 45 plant species, resulting in an area of unusual diversity that is significant for studies of climate, vegetation, and environmental change.

Along with diverse plant communities, the Avi Kwa Ame landscape supports an array of desert wildlife, including many species that rely on the area's natural springs and seeps. The Hiko, Piute, and Roman dry washes are internationally known for the important bird habitat they provide, including catclaw acacia, mesquite, cottonwood, desert willow, and sandbar willow that provide rare pockets of habitat for species distinct from those in the surrounding desert. Additionally, Phainopepla, a sensitive species that is the most northerly representative of silky flycatchers, use the trees for nesting and eat mistletoe seeds in these washes, making them uniquely important for this species in Nevada.

The landscape overall supports a broad array of bird species and has long been important for ornithologists. A diverse cadre of raptors, such as ferruginous hawk, bald eagle, golden eagle, burrowing owl, and peregrine falcon hunt their prey and nest, both above and below ground, in the stark landscape. Species of interest to both amateur and professional ornithologists make their homes here, including Gambel's quail, sage thrasher, Bendire's thrasher, Costa's hummingbird, gilded flicker, rufous hummingbird, cactus wren, northern mockingbird, ash-throated flycatcher, American goldfinch, and potentially Yuma ridgeway's rail.

A broad variety of desert mammal species also make their homes in the area, ranging from the tiny pocket gopher to large ungulates like mule deer, along with a diversity of predators including bobcats and ring-tailed cats. An incredible array of bat species, including 18 species that have been identified as at-risk by the Bureau of Land Management (BLM), call the landscape home, including pollinators like the pallid bat, the rare spotted

bat, and a diverse group of insectivorous bat species that roost in rock crevices, former mines, and other small spaces. The area provides important habitat and vital connectivity for the Nelson (desert) bighorn sheep. The Highland Range has been identified as crucial bighorn habitat, and bighorn sheep also traverse the ridges of the McCullough and Lucy Gray Mountains, the western slopes of the Newberry Mountains, and the Nellis Wash.

Among reptiles and amphibians, the area is most notable as habitat for the threatened Mojave desert tortoise. The elusive desert tortoise, with its long lifespan, low juvenile survival rate, and extreme capacity for conserving water, is a rare and incredible symbol of this challenging landscape. The Piute and Eldorado Valleys and other low-lying portions of the Avi Kwa Ame area, including Nellis Wash, have long been recognized as the highest priority for desert tortoise habitat conservation and restoration in southern Nevada; the connectivity and condition of the habitat as well as its location within critical habitat recovery units make this area uniquely suited to supporting tortoise conservation. The area is also critical to scientific studies of desert tortoise population biology, genetics, and ecology.

Many other reptile species rely on the area, including the elusive and beautiful banded Gila monster; the stocky, iguana-like chuckwalla; the western banded gecko; and the colorful Great Basin collared lizard. Species unique to and emblematic of the Mojave Desert, including the Mojave Desert sidewinder and Mojave shovel-nosed snake, make their homes here, along with the shimmering, nocturnal desert rosy boa, all of which are BLM sensitive species. Amphibians, which are rare in harsh desert environments, including the Arizona toad, also survive in this dry environment, and the red-spotted toad has been known to breed in Grapevine Canyon.

The flowering plants that survive despite the challenges of the sunbaked landscape, such as the brilliant fields of wildflowers in the Newberry Mountains, support and are supported by pollinators like the monarch butterfly, northern Mojave blue butterfly, MacNeill sooty wing skipper, and flat-faced cactus bee. The area also contains potential habitat for the endemic Mojave gypsum bee and Mojave poppy bee.

Protection of the Avi Kwa Ame area will preserve its diverse array of natural and scientific resources, ensuring that the cultural, prehistoric, historic, and scientific values of this area endure for the benefit of all Americans. The living landscape holds sites of historical, traditional, cultural, and spiritual significance; is the setting of the creation story of multiple Tribal Nations; and is inextricably intertwined with the sacred significance of Avi Kwa Ame. The area contains numerous objects of historic and scientific interest, and it provides world-class outdoor recreation opportunities, including hiking, camping, birdwatching, motorized touring, stargazing, hunting, and pursuing amateur geology, all of which support a growing travel and tourism economy in the region.

WHEREAS, the Antiquities Act authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, I find that each of the objects identified above, and objects of the type identified above within the area, are objects of historic or scientific interest in need of protection under 54 U.S.C. 320301, regardless of whether they are expressly identified as an object of historic or scientific interest in the text of this proclamation; and

WHEREAS, I find that the unique objects and resources within the Avi Kwa Ame landscape, in combination, make the landscape more than the mere sum of its parts, and the entire landscape within the boundaries

reserved by this proclamation is an object of historic and scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that there are threats to the objects identified in this proclamation, and in the absence of a reservation under the Antiquities Act, the objects identified in this proclamation are not adequately protected by applicable law or administrative designations, thus making a national monument designation and reservation necessary to protect the objects of historic and scientific interest in the Avi Kwa Ame landscape for current and future generations; and

WHEREAS, I find that the boundaries of the monument reserved by this proclamation represent the smallest area compatible with the protection of the objects of scientific or historic interest as required by the Antiquities Act; and

WHEREAS, it is in the public interest to ensure the preservation, restoration, and protection of the objects of scientific and historic interest on the Avi Kwa Ame lands, including the entire monument landscape, reserved within the Avi Kwa Ame boundary;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Avi Kwa Ame National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached hereto and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 506,814 acres. Due to the distribution of the objects of the types identified in this proclamation across the Avi Kwa Ame landscape, and because the landscape itself is an object in need of protection, to confine the boundaries of the monument to the smallest area compatible with the proper care and management of the objects of historic or scientific interest requires the reservation of the entire area described on the accompanying map.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

This proclamation is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects of the type identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument, pursuant to applicable legal authorities, through the BLM, as a unit of the National Landscape Conservation System, and through the National Park Service (NPS), in accordance with the terms, conditions, and management direction provided by this proclamation. The NPS and the BLM shall manage the monument cooperatively and shall prepare an agreement to share, consistent with applicable laws, whatever resources are necessary to properly manage the monument; however, the NPS shall continue to have primary management authority over the portion of the monument within the Lake Mead National Recreation Area, and the BLM shall have primary management authority over the remaining portion of the monument. After issuance of this proclamation, the Secretary shall, consistent with applicable legal authorities, transfer

administrative jurisdiction of lands managed by the Bureau of Reclamation within the boundaries of the monument to the BLM.

For purposes of protecting and restoring the objects identified above, the Secretary shall prepare and maintain a monument management plan (management plan). In preparing the management plan, the Secretary shall take into account, to the maximum extent practicable, maintaining the undeveloped character of the lands within the monument, minimizing impacts from surface-disturbing activities, providing appropriate access for hunting and wildlife management, and emphasizing the retention of natural quiet, dark night skies, and visual resources. The Secretary shall provide for maximum public involvement in the development of the management plan, including consultation with federally recognized Tribal Nations and State and local governments. In the development and implementation of the management plan, the Secretary shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretary, through the BLM, shall establish and maintain an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) with the specific purpose of providing information and advice regarding the development of the management plan and management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders. A majority of the membership shall be made up of members of Tribal Nations with a historical connection to the lands within the monument, with the remaining members representing local governmental entities, recreational users, conservation organizations, wildlife or hunting organizations, the scientific community, business owners, and local citizens.

In recognition of the importance of Tribal participation in the care and management of the objects identified above, and to ensure that management decisions affecting the monument are informed by and reflect Tribal expertise and Indigenous Knowledge, the Secretary shall meaningfully engage the Tribal Nations with historical and spiritual connections to the monument lands in the development of the management plan and management of the monument. The Secretary shall enter into a memorandum of understanding with interested Tribal Nations to set forth terms, pursuant to applicable laws, regulations, and policies, for co-stewardship of the monument.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Tribal Nation. The Secretary shall, to the maximum extent permitted by law and in consultation with Tribal Nations, ensure the protection of sacred sites and cultural properties and sites in the monument and provide access to Tribal members for traditional cultural, spiritual, and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996), Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), and the November 10, 2021, Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites. Such uses shall include collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use so long as each use is carried out in a manner consistent with the proper care and management of the objects identified above.

Livestock grazing has not been permitted in the monument area since 2006, and the Secretary shall not issue any new grazing permits or leases on such lands.

Nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation, maintenance, replacement, modification, upgrade, or access to, existing flood control, utility, pipeline, and telecommunications facilities; roads or highway corridors; seismic monitoring facilities; or other water infrastructure, including wildlife water developments or water district facilities, within or adjacent to an existing authorization boundary. Existing flood control, utility, pipeline, telecommunications, and seismic monitoring facilities, and other water infrastructure,

including wildlife water developments or water district facilities, may be expanded, and new facilities of such kind may be constructed, to the extent consistent with the proper care and management of the objects identified above and subject to the Secretary's authorities and other applicable law.

For purposes of protecting and restoring the objects identified above, the Secretary shall prepare a transportation plan that designates the roads and trails on which motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, including appropriate wildlife management, motorized vehicle use in the monument shall be permitted only on roads and trails documented as existing as of the date of this proclamation. Any additional roads or trails designated for motorized vehicle use must be designated only for the purposes of public safety needs or protection of the objects identified above. The Secretary shall monitor motorized and non-motorized mechanized vehicle use and designated roads and trails to ensure proper care and management of monument objects.

To further the protection of the monument, the Secretary shall evaluate opportunities to work with local communities to locate and develop a visitor center or other visitor information facilities to enhance public services and promote management efficiencies.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation. Nothing in this proclamation shall preclude air or ground access to existing or new electronic tracking communications sites associated with the special use airspace and military training routes.

So long as carried out in a manner consistent with the proper care and management of the objects identified above, nothing in this proclamation shall preclude the safe and efficient operation of airplanes over the lands reserved by this proclamation.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Nevada (State), including its jurisdiction and authority with respect to fish and wildlife management, including hunting on Federal lands. The Secretary shall seek to continue collaborating with the State on wildlife management and shall expeditiously explore entering into a memorandum of understanding, or amending an existing memorandum of understanding, with the State to facilitate such collaboration.

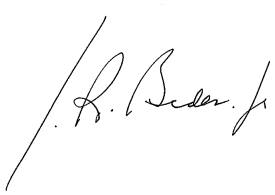
Nothing in this proclamation alters, modifies, or amends the Clark County Multi-Species Habitat Conservation Plan.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first 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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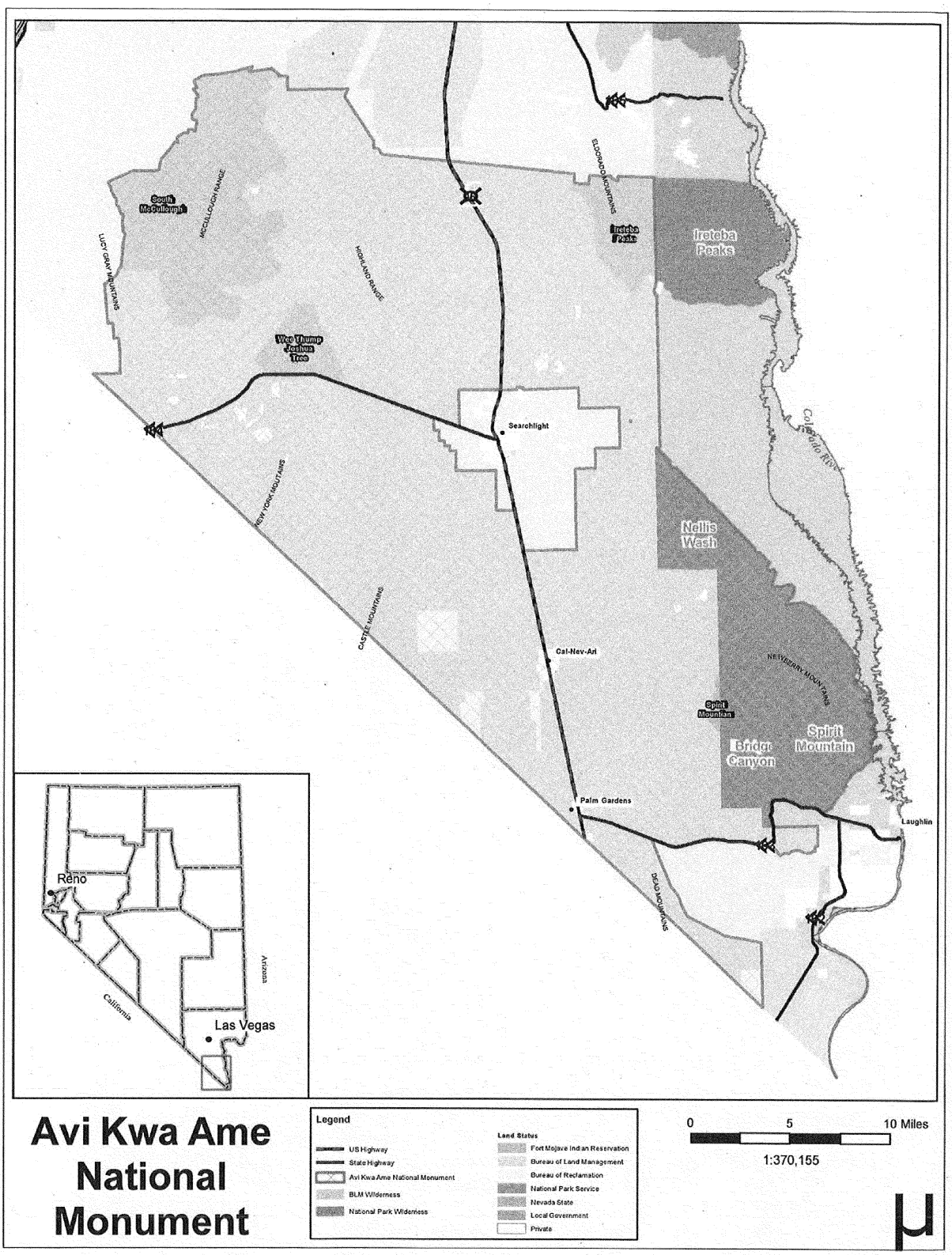


[FR Doc. 2023–06387

Filed 3–24–23; 8:45 a.m.]

Billing code 4310–10–C

Presidential Documents

Proclamation 10534 of March 21, 2023

Establishment of the Castner Range National Monument

By the President of the United States of America

A Proclamation

Each year, as winter gives way to spring, Mexican Gold Poppies burst into bloom, transforming the undeveloped desert plains and hills of Castner Range into a sea of vibrant yellows, oranges, and reds framed by the rugged mountains and azure blue sky. Visitors from across the Nation come to witness this natural wonder, and families from local communities gather to mark quinceañeras, weddings, and other special occasions with this colorful tableau as backdrop. Located on Fort Bliss near the heart of El Paso, Texas, Castner Range—stretching from the heights of the Franklin Mountains, eastward across canyons and arroyos, and descending to lower elevation plains of the Chihuahuan Desert—serves as a testament to the modernization of the American military and the military service members who trained there from 1926 to 1966. In addition to containing evidence of Castner Range's important historical role in our Nation's national defense, Castner Range hosts significant archeological sites documenting the history of the Tribal Nations that inhabited the area since time immemorial, rare plant and animal habitat, and unique geological features. Once it is safe for public access following remediation of military munitions and munitions constituents, Castner Range will become a natural classroom offering unique opportunities to experience, explore, and learn from nature in a unique setting that is close to a major urban center. Access to nature is particularly important for underserved communities, like those bordering Castner Range, that have historically had less access to our public lands. Castner Range will also provide opportunities for important research on archeological sites, plant and animal communities, and geological features in areas that have been inaccessible for many decades.

The Department of the Army acquired Castner Range in the 1920s and 1930s, and with the establishment of an Anti-Aircraft Training Center in 1940, Castner Range—and Fort Bliss more broadly—became the largest overland air defense missile range and training center in the world. In 1945, Fort Bliss became home to the 1st Anti-aircraft Guided Missile Battalion, the first missile battalion in Army history. In 1948, the Army established the 1st Guided Missile Regiment at Fort Bliss, which later became the 1st Guided Missile Brigade. This unique component trained at Castner Range and provided skills to the Army as it transitioned into the era of modern guided-missile warfare. In the 1960s, a training area known as the ''Vietnam Village'' was constructed and used for close combat exercises, but military training on Castner Range largely ended in 1966. As a result of the cessation of military activities, much of this rugged landscape has since been reclaimed by nature.

Archeologists have identified 41 archeological sites within Castner Range despite access restrictions due to remaining munitions in the area. Some of these sites are culturally important to Tribal Nations and Indigenous Peoples—including Apache and Pueblo peoples and the Comanche Nation, Hopi Tribe, and Kiowa Indian Tribe of Oklahoma—and provide evidence of Indigenous Peoples' presence in the area from at least 6,000 B.C. Three of those sites—the Fusselman Canyon Rock Art District, the Northgate Site,

and the Castner Range Archeological District—are listed in the National Register of Historic Places.

Within Castner Range, there is a site that contains rock art from around 1350 A.D. depicting animal footprints, geometric designs, a human handprint, and a bird's head. Pottery and arrow shaft straighteners have also been found in the area. Another site includes several rock shelters, a shallow cave, bedrock mortars, and rock art, which is visible on the overhangs and undersides of fallen and stacked granitic boulders. Similarities between the rock art in this area and rock art found in Hueco Tanks State Park to the east and at sites in Mexico provide evidence of interactions among the ancient Indigenous Peoples in the region. Elsewhere within Castner Range, evidence of occupation from approximately 250 to 1500 A.D. includes burial sites, roasting pits, a pit house, ceramics, and other artifacts. Initial investigations in another area within Castner Range have uncovered evidence of occupation between 900 B.C. and 1400 A.D., including rock art, fire pits, pottery, bedrock mortars, and lithic scatters. Additional opportunities to study these sites and potentially identify new sites will become available as closed areas are opened to researchers and Tribal Nations are consulted or otherwise engaged in relevant approval processes, providing new insights into the history of Indigenous Peoples in the area.

The area also contains the World War II-era Anti-Mechanized Target Firing Range, which was built by the Army in 1940 and is eligible for listing in the National Register of Historic Places due to its significance to military history. This firing range was used as a high-speed anti-tank weapons training course to provide soldiers with essential training in preparation for combat in World War II. Today the foundations and other remnants stand as a physical reminder of this pivotal moment in world history.

Evidence of mining that occurred before the Army's acquisition of Castner Range can be found at the El Paso Tin Mine site, which is also eligible for listing in the National Register of Historical Places and contains the remains of a tin mine briefly in operation at the turn of the 20th Century. As World War II drove a surge in the demand for tin, the mine reopened briefly in 1942, but the lack of abundant tin caused the mine to close again shortly thereafter.

Although completely contained within the city limits of El Paso, Castner Range is undeveloped due to its history of military use and, following the cessation of live fire exercises more than half a century ago, Castner Range has reverted to a state that is representative of the natural Chihuahuan ecosystem of the region. Indian Springs, Cottonwood Springs, Mundy Springs, and Whispering Springs provide sources of water and rare habitat for wildlife in this harsh desert ecosystem. The area also provides habitat for a large and diverse array of Chihuahuan Desert plants, birds, and mammals. The United States Fish and Wildlife Service has indicated that habitat is likely to exist for the American peregrine falcon, Mountain plover, Golden eagle, Texas horned lizard, black-tailed prairie dog, Baird's sparrow, Western burrowing owl, Franklin Mountains talussnail, Alamo beard tongue, Sand prickly pear, Desert night-blooming cereus, and the endangered Sneed pincushion cactus. Golden eagles and Western burrowing owls, for example, have been observed at Castner Range.

Castner Range also contains undeveloped geological resources. The Franklin Mountains and various landslide blocks along the eastern front of the mountains define the topography of the highest elevations of Castner Range. Over time, erosional events exposing the Red Bluff Granite followed by the deposition of the Bliss Sandstone have resulted in a geologic feature known as an unconformity. The Castner Limestone formation of the mid-elevation foothills is the oldest rock in the El Paso area and contains abundant, well-preserved, and ancient Precambrian fossilized algae. Two specimens were closely examined in 1958 and were identified as *Oollenia frequens.* It is expected that future research will identify other specimens once access becomes possible. On the desert floor of the lower elevations

and emanating from Fusselman Canyon and similar mountain canyons, Castner Range contains the Franklin Mountains' only remaining undeveloped alluvial fans—broad, sloping triangular areas created when rapidly moving water descending through canyons emerges onto the desert floor and deposits eroded material.

WHEREAS, section 320301 of title 54, United States Code (the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected; and

WHEREAS, I find that Castner Range contains significant archeological and paleontological resources, rare and fragile biological and ecological resources, and unique geological features that are of scientific interest; and

WHEREAS, I find that Castner Range contains sites of cultural significance to Tribal Nations and Indigenous Peoples; and

WHEREAS, I find that Castner Range is an important part of the history of Native Americans and the United States military; and

WHEREAS, I find it is in the public interest to preserve and protect the objects of scientific and historic interest located within Castner Range; and

WHEREAS, I find that each of the objects identified above, and those of the same sort that may not be expressly identified in this proclamation, are objects of historic or scientific interest in need of protection under 54 U.S.C. 320301; and

WHEREAS, I find that there are threats to the objects identified in this proclamation and that a national monument reservation is necessary to protect the land along with its objects of historic and scientific interest within Castner Range for current and future generations; and

WHEREAS, I find that the boundaries of the monument reserved by this proclamation represent the smallest area compatible with the proper care and management of the objects of scientific or historic interest to be protected by the Antiquities Act;

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Castner Range National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached hereto and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 6,672 acres.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the Department of the Army, including withdrawal from location, entry, and patent under the mining laws; from disposition under all laws relating to mineral, solar, and geothermal leasing; and from conveyance under section 2844 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013.

The Secretary of the Army (Secretary) shall manage the monument pursuant to applicable legal authorities, including section 2846 of the NDAA for Fiscal Year 2018, and in accordance with the terms, conditions, and management direction provided by this proclamation. The Secretary shall prepare, in consultation with the Secretary of the Interior, a management plan for

the monument, which shall include access for outdoor recreational opportunities as well as historic and scientific research at a time and in a manner determined by the Secretary (considering ongoing and future remediation of hazardous substances or munitions, any needed controls to ensure explosives safety, and other limitations provided in law), consistent with the proper care and management of the objects identified above. The Secretary shall promulgate such regulations for management of the monument as the Secretary deems appropriate. The Secretary shall provide for maximum public involvement in the development of the management plan, including consultation with federally recognized Tribal Nations, State and local governments, and interested stakeholders. The final decision over any management plan and regulations rests with the Secretary.

The Secretary shall expeditiously conduct military munitions response actions at Castner Range in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615 *et seq.*), and section 2846 of the NDAA for Fiscal Year 2018, and shall conduct response actions in a phased manner that allows for public access to areas of the monument when and under the conditions necessary to protect human health and safety. Nothing in this proclamation shall affect the responsibilities and authorities of the Department of Defense under applicable environmental laws within the monument boundaries. Nothing in this proclamation shall affect the Secretary's ability to authorize access to and remediation of contaminated lands within the monument.

The Secretary shall, to the maximum extent permitted by law and in consultation with Tribal Nations, ensure the protection of sacred sites and traditional cultural properties and sites in the monument and provide access to Tribal members for traditional cultural, spiritual and customary uses, consistent with the American Indian Religious Freedom Act, 42 U.S.C. 1996, and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites). Such uses shall include allowing collection of medicines, berries and other vegetation, forest products, and firewood for personal non-commercial use in a manner consistent with the proper care and management of the objects identified herein, and in consideration of the presence of military munitions and munitions constituents.

In recognition of the importance of these lands and objects to Tribal Nations, and to ensure that management decisions affecting the monument reflect Tribal expertise and Indigenous Knowledge, the Secretary shall meaningfully engage with Tribal Nations with cultural ties to the area to develop the management plan and to inform subsequent management of the monument.

The establishment of this monument is subject to valid existing rights, including valid water rights. Consistent with the proper care and management of the objects identified above, nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation, maintenance, replacement, modification, or upgrade of, existing water infrastructure, including flood control, pipeline, or other water management infrastructure; State highway corridors rights-of-way; or existing utility and telecommunications rights-of-way or facilities within or adjacent to the boundaries of existing authorizations within the monument.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, flight testing or evaluation, the designation of new units of special use airspace, or the use or establishment of military flight training routes or transportation over the lands reserved by this proclamation.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Texas with respect to fish and wildlife management. Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Tribal Nation.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities

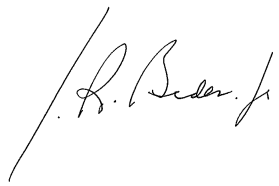
within the monument, including wildland fire response or search and rescue operations.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

If any provision of this proclamation, including application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first 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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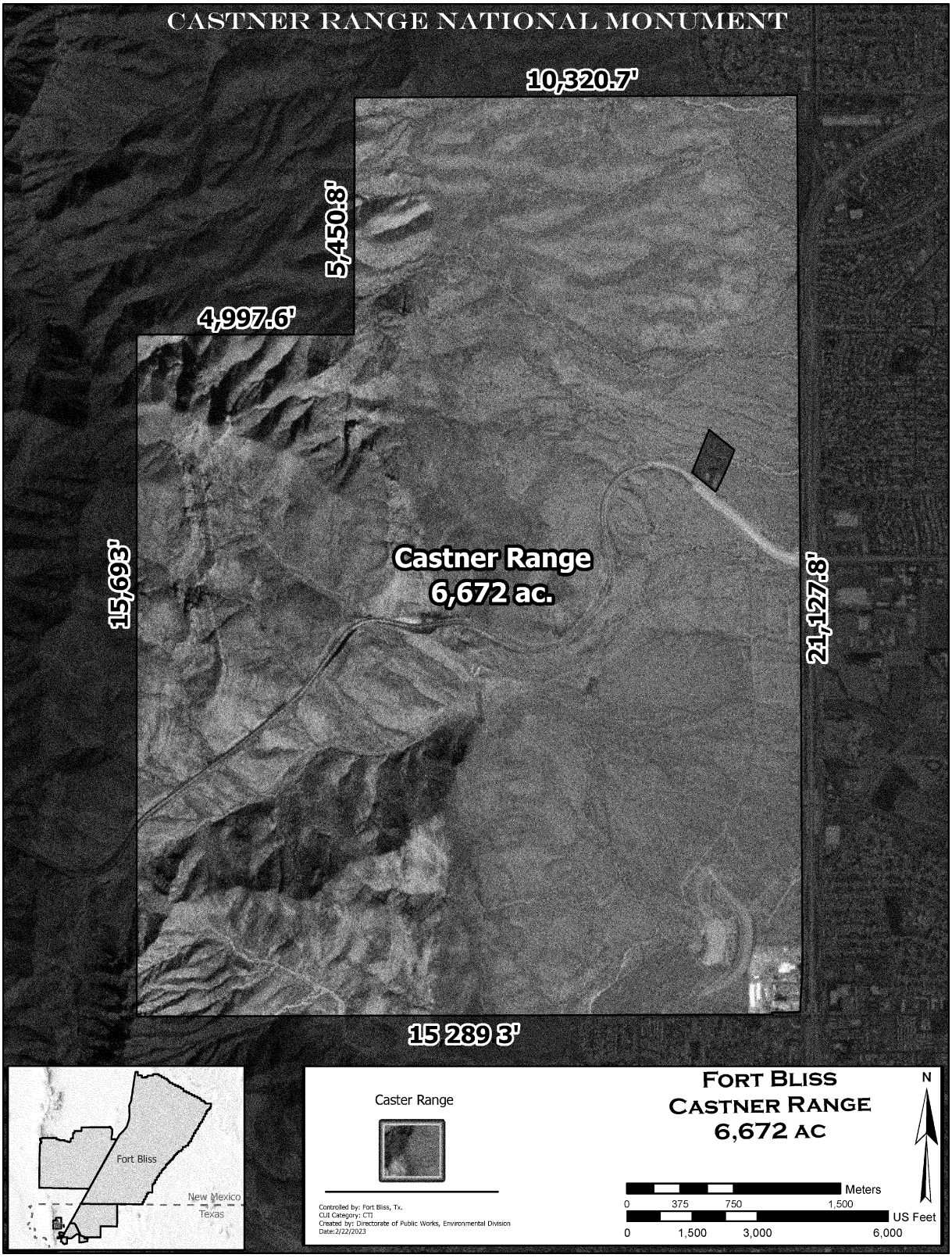

[FR Doc. 2023–06401

Filed 3–24–23; 8:45 a.m.]

Billing code 4310–10–C

Rules and Regulations

Federal Register
Vol. 88, No. 58
Monday, March 27, 2023

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2022–0159]

Regulatory Guide: Maintenance, Testing, and Replacement of Vented Lead-Acid Storage Batteries for Production and Utilization Facilitiesl

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 4 of Regulatory Guide (RG) 1.129, ''Maintenance, Testing, and Replacement of Vented Lead-Acid Storage Batteries for Production and Utilization Facilities.'' This revised guidance provides information to manage vented lead-acid battery degradation such that a battery in service would retain its readiness for supporting design-basis events. It endorses, with certain clarifying regulatory positions, Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 450–2020, which provides the recommended maintenance, test schedules, and testing procedures intended to optimize the life and performance of permanently installed vented lead-acid storage batteries used for standby power applications. It also provides guidance to determine when batteries should be replaced.

DATES: Revision 4 to RG 1.129 is available on March 27, 2023.

ADDRESSES: Please refer to Docket ID NRC–2022–0159 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–2022–0159. 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 individuals 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 questions regarding use of 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.

Revision 4 to RG 1.129 and the regulatory analysis may be found in ADAMS under Accession Nos. ML22332A409 and ML22026A443, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Sheila Ray, Office of Nuclear Reactor Regulation, telephone: 301–415–3653; email: *Sheila.Ray@nrc.gov;* and James Steckel, Office of Nuclear Regulatory Research, telephone: 301–415–1026; email: *James.Steckel@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

Revision 4 of RG 1.129 was issued with a temporary identification number of DG–1401 (ADAMS Accession No. ML22026A441).

Revision 4 of RG 1.129 describes an approach that may be used to determine quality standards acceptable to the NRC staff to meet the regulatory requirements provides guidance to manage vented lead-acid battery degradation such that a battery in service would retain its readiness for supporting design-basis events. Revision 4 of RG 1.129 also endorses, with certain clarifying regulatory positions, IEEE Std. 450–2020, which provides the recommended maintenance, test schedules, and testing procedures intended to optimize the life and performance of permanently installed vented lead-acid storage batteries used for standby power applications. It also provides guidance to determine when batteries should be replaced.

II. Additional Information

The NRC issued RG 1.129, Revision 3, in September 2013, to endorse (with certain clarifying regulatory positions) IEEE Std. 450–2010. Since then, IEEE has revised the standard as IEEE Std. 450–2020 to provide clarifying guidance on maintenance, testing, and corrective actions. The revised IEEE standard provides guidance for the condition monitoring of stationary batteries. The staff determined that, based on the revised IEEE standard, a revision to this RG is necessary for guidance to support new license applications, design certifications, and applications for license amendments.

The NRC published a notice of availability of DG–1401 in the **Federal Register** on August 29, 2022 (87 FR 52814) for a 30-day public comment period. There were no comments from the public submitted for DG–1401, and no staff responses were needed.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the ''Rules'' section of the **Federal Register** to comply with publication requirements under 1 CFR chapter I.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of RG 1.129, Revision 4 does not constitute backfitting as defined in § 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests'' (ADAMS Accession No. ML18093B087); constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in RG 1.129, Revision 4, applicants and licensees are not required to comply with the positions set forth in this regulatory guide.

V. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html.* Suggestions will be considered in future updates and enhancements to the ''Regulatory Guide'' series.

Dated: March 22, 2023.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2023–06285 Filed 3–24–23; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

RIN 3133–AF43

Subordinated Debt

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is amending the Subordinated Debt rule (current rule), which it finalized in December 2020 with an effective date of January 1, 2022. This final rule makes two changes related to the maturity of Subordinated Debt Notes and Grandfathered Secondary Capital. Specifically, this final rule replaces the maximum permissible maturity of Subordinated Debt Notes with a requirement that any credit union seeking to issue Subordinated Debt Notes with maturities longer than 20 years demonstrate how such instruments would continue to be considered ''debt.'' This final rule also extends the Regulatory Capital treatment of Grandfathered Secondary Capital to the later of 30 years from the date of issuance or January 1, 2052. This extension will align the Regulatory Capital treatment of Grandfathered Secondary Capital with the maximum permissible maturity for any secondary capital issued by low-income credit unions (LICUs) under the 2022 U.S. Department of the Treasury's (Treasury) Emergency Capital Investment Program (ECIP) or other programs administered by the U.S. Government. In addition, the Board is making four minor modifications to other sections of the current rule to make it more user-friendly and flexible.

DATES: The final rule is effective April 26, 2023.

FOR FURTHER INFORMATION CONTACT: *Policy:* Tom Fay, Director of Capital Markets, Office of Examination and Insurance. *Legal:* Justin M. Anderson, Senior Staff Attorney, Office of General Counsel, 1775 Duke Street, Alexandria, VA 22314–3428. Tom Fay can be reached at (703) 518–1179, and Justin Anderson can be reached at (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Current Rule History

At its December 2020 meeting, the Board issued a final Subordinated Debt rule (the 2020 final rule).[1] The 2020 final rule permitted LICUs, complex credit unions, and new credit unions to issue Subordinated Debt for purposes of being included in Regulatory Capital.[2] Relevant to this final rule, the 2020 final rule provided that any secondary capital issued by LICUs under previously effective 12 CFR 701.34(b), outstanding as of the effective date of the 2020 final rule, would be considered Grandfathered Secondary Capital. The grandfathering provision of the 2020 final rule allowed LICUs with Grandfathered Secondary Capital to continue to be subject to the requirements of § 701.34(b), (c), and (d) (recodified in the current rule as § 702.414), rather than the requirements of the current rule. The 2020 final rule also provided that any issuances of secondary capital not completed by January 1, 2022, are, as of January 1, 2022, subject to the requirements of the current rule. Finally, the grandfathering provision in the 2020 final rule stated that Grandfathered Secondary Capital would continue to be included in Regulatory Capital for up to 20 years from the effective date of the 2020 final rule.[3] The 2020 final rule also contained a provision requiring Subordinated Debt Notes to have a minimum maturity of five years and a maximum maturity of 20 years.

After the NCUA issued the 2020 final rule, Congress passed the Consolidated Appropriations Act, 2021.[4] The Consolidated Appropriations Act, 2021, among other things, created the ECIP. Under the ECIP, Congress appropriated funds and directed Treasury to make investments in ''eligible institutions'' to support the institutions' efforts to ''provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities.'' [5] The definition of ''eligible institutions'' includes federally insured credit unions that are minority depository institutions or community development financial institutions, provided such credit unions are not in troubled condition or subject to any formal enforcement actions related to unsafe or unsound lending practices.[6]

Under the terms developed by Treasury, investments in eligible credit unions are in the form of subordinated debt.[7] Treasury also aligned its investments in LICUs with the Federal

[1] Throughout this document the Board uses the term ''2020 final rule'' to refer to the final Subordinated Debt rule issued in December 2020 and published in the **Federal Register** on February 23, 2021. The Board uses the term ''the current rule'' to refer to the current Subordinated Debt rule, as published in the Code of Federal Regulations, which includes the ''2020 final rule'' and subsequent amendments.

[2] 86 FR 11060 (Feb. 23, 2021). Unless otherwise noted, capitalized terms in this preamble are defined in the current rule.

[3] *Id.*

[4] Consolidated Appropriations Act, 2021, Public Law 116–260 (H.R. 133), Dec. 27, 2020.

[5] *Id.* codified at 12 U.S.C. 4703a *et seq.*

[6] 12 U.S.C. 4703a(a)(2). Throughout this document, the Board only refers to LICUs, as those are the only eligible institutions that could receive secondary capital treatment for the ECIP investments.

[7] Throughout this document the term ''Subordinated Debt'' (initial caps) refers to issuances conducted under the current rule. Conversely, the term ''subordinated debt'' (lower-case) refers to debt issuances conducted outside of the current rule, such as those under the ECIP.

Credit Union Act (the Act) and the NCUA's regulations, which allowed eligible LICUs to apply to the NCUA for secondary capital treatment for these investments. Relevant to this final rule, Treasury offered either 15- or 30-year maturity options for the investments. Treasury opened the ECIP application process on March 4, 2021, with an application deadline of May 7, 2021. Treasury extended this deadline to September 1, 2021.

In October 2021, the NCUA issued a Letter to Credit Unions permitting LICUs participating in the ECIP to issue 30-year subordinated debt instruments.[8] In December 2021, the Board issued a final amendment to the current rule permitting secondary capital to be considered Grandfathered Secondary Capital regardless of the actual issuance date, provided the secondary capital issuance met the following conditions:

1. It was issued to the U.S. Government; and

2. It was conducted under a secondary capital application that was approved before January 1, 2022, under either § 701.34 of the NCUA's regulations for Federal credit unions, or § 741.203 of the NCUA's regulations for federally insured, state-chartered credit unions.[9]

The final amendment and Letter to Credit Unions provided LICUs with additional flexibility to participate in the ECIP without being subject to the terms of the current rule.

B. Maturity and Treatment as Regulatory Capital for Grandfathered Secondary Capital

The current rule restricts the maturity of Subordinated Debt Notes to a minimum of five years and a maximum of 20 years. In alignment with this maximum maturity, the current rule also terminates Grandfathered Secondary Capital's inclusion in Regulatory Capital after a maximum of 20 years beginning on the later of the date of issuance or January 1, 2022 (the effective date of the current rule).

As previously noted, under the ECIP, Treasury allowed 30-year subordinated debt instruments. The Supervisory Letter accompanying the Letter to Credit Unions discussed in the previous section of this document stated:

[F]ederally insured, state-chartered LICUs typically issue secondary capital under similar borrowing authority. As such, the agency has taken certain precautions to ensure that issuances under the ECIP that receive secondary capital treatment are considered debt. Such precautions have included the agency prohibiting LICUs from receiving secondary capital treatment for issuances under the ECIP's 30-year option.[10]

The Supervisory Letter, however, went on to state that after further consideration, the agency was recalibrating its position and permitting LICUs to issue 30-year subordinated debt under the ECIP. In relevant portion, the Supervisory Letter stated the following:

The agency has always recognized that no one term or factor of an ECIP instrument is dispositive in characterizing the nature of the instrument. As such, the agency is satisfied that the close collaboration between the NCUA and Treasury, the unique status of the ECIP, and the terms of the instrument have resulted in an instrument that complies with the Federal Credit Union Act, even with a 30-year term.[11]

While this change facilitated LICU participation in the ECIP, the agency recognized that there is a distinct mismatch between a 30-year ECIP subordinated debt instrument and the 20-year maximum for inclusion in Regulatory Capital of the same. To address this discrepancy, the NCUA conducted additional research into these issues.

Both the maximum Regulatory Capital treatment for Grandfathered Secondary Capital and the maximum maturity for Subordinated Debt Notes are based on the statutory authority under which a Federal credit union (FCU) issues both instruments. Specifically, an FCU may only issue these instruments under its authority to borrow from any source. Therefore, the agency took precautions in the current rule to ensure that all issuances are in the form of debt. As noted in the January 2020 proposed Subordinated Debt rule, such precautions included imposing a maximum maturity of 20 years on Subordinated Debt Notes. The Board stated it was proposing such requirement ''to help ensure the Subordinated Debt is properly characterized as debt rather than equity. Generally, by its nature, debt has a stated maturity, whereas equity does not.'' [12]

With respect to Grandfathered Secondary Capital, the January 2020 proposed Subordinated Debt rule stated that ''the Board believes 20 years would provide a LICU sufficient time to replace Grandfathered Secondary Capital with Subordinated Debt if such LICU seeks continued Regulatory Capital benefits of Subordinated Debt.'' The Board also stated that it believed ''it is important to strike a balance between transitioning issuers of Grandfathered Secondary Capital to this proposed rule and ensuring that instruments do not indefinitely remain as Grandfathered Secondary Capital.'' [13]

As the Board received feedback from the credit union industry on the mismatch between ECIP investment maturities allowed and the Regulatory Capital treatment of the same, the NCUA conducted additional research into whether a 20-year maturity was necessary to ensure an FCU was operating squarely within its statutory authority. While the Board continues to believe that a 20-year maturity is an appropriate demarcation point to ensure an FCU is issuing Subordinated Debt under its statutory authority, the agency's additional research has provided grounds to offer additional flexibility in this area. Based on this additional research, the Board proposed the amendments discussed in the next section of this document.

C. Summary of the Proposed Rule

At its September 2022 meeting, the Board issued a notice of proposed rulemaking to amend the current rule in a variety of ways.[14] First, the Board proposed revisions to § 702.401(b) to permit Grandfathered Secondary Capital to be included in Regulatory Capital for up to 30 years from the later of the date of issuance or January 1, 2022. Second, the Board proposed to remove the maximum maturity limit of 20 years from § 702.404(a)(2). In its place, the Board proposed a requirement that a credit union must provide certain information in its application for preapproval under § 702.408 when applying to issue Subordinated Debt Notes with maturities longer than 20 years. To demonstrate the issuance is debt, the proposal included a new paragraph in § 702.408(b) that requires a credit union applying to issue Subordinated Debt Notes with maturities longer than 20 years to submit, at the discretion of the Appropriate Supervision Office, one or more of the following:

- A written legal opinion from a Qualified Counsel.
- A written opinion from a licensed certified public accountant (CPA).

[8] Letter to Credit Unions 21–CU–11, Emergency Capital Investment Program Participation and enclosed Supervisory Letter No. 21–02 (Oct. 20, 2021), *available at https://www.ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/emergency-capital-investment-program-participation.*

[9] 12 CFR 701.34 and 741.203; 86 FR 72807 (Dec. 23, 2021).

[10] Letter to Credit Unions 21–CU–11, Emergency Capital Investment Program Participation and enclosed Supervisory Letter No. 21–02 (Oct. 20, 2021).

[11] *Id.*

[12] 85 FR 13892 (Mar. 10, 2020).

[13] *Id.*

[14] 87 FR 60326 (Oct. 5, 2022).

• An analysis conducted by the credit union or independent third party.

In addition to these substantive changes related to the maturity and Regulatory Capital treatment of issuances, the Board also proposed several minor changes to make the current rule clearer, more user-friendly, and aligned with current agency practices. First, the Board proposed to amend the definition of ''Qualified Counsel'' to clarify where such person(s) must be licensed to practice law by removing the phrase ''in the relevant jurisdiction(s)'' from the definition of ''Qualified Counsel.'' Second, the Board proposed to amend §§ 702.408(b)(7) and 702.409(b)(2) to remove the statement of cash flow from the Pro Forma Financial Statements requirement and replace it with a requirement for ''cash flow projections.'' Third, the Board proposed to amend the section of the current rule addressing the filing of documents and inspection of documents by removing the phrase ''inspection of documents'' from the titling of this section and replacing the current requirement that a credit union submit all applicable documents via the NCUA's website with a requirement that a credit union make all submissions directly to the Appropriate Supervision Office. Finally, the Board proposed to revise § 702.414(c) by removing ''(''discounted secondary capital'' re-categorized as Subordinated Debt)'' from the description of Grandfathered Secondary Capital that may be redeemed by a credit union. This revision is consistent with recent changes to the NCUA Call Report.

For the reasons stated in the proposed rule and in consideration of the public comments received on the same, as discussed in the next section of this document, the Board is finalizing the proposed changes without further amendment.

II. Summary of Comments

A. The Public Comments, Generally

The NCUA received 21 comments following publication of the proposed rule. Two of the commenters supported the rule as written and two commenters opposed the rule in its entirety. The remaining 17 commenters supported the proposed changes but recommended additional changes that are outside the scope of this rulemaking.

B. Comments That Opposed the Proposal in Its Entirety

Two commenters expressly opposed the proposed changes and, more generally, the current rule in its entirety. Specific to the proposed rule, both commenters opposed the change that would permit credit unions to issue Subordinated Debt Notes with maturities greater than 20 years. Specifically, one commenter stated that ''by extending their maximum maturity, these instruments become more like 'equity-like.' [sic] Even by the NCUA's own admission, the fixed stated maturity is a factor in determining whether an instrument may be considered debt or equity with a general rule being that the shorter the maturity date, the more the instrument resembles debt.'' The other commenter further stated the following:

> The 20-year limitation was created after the NCUA concluded that such a limitation would ensure that courts consider credit union subordinated debt to be debt rather than equity. This prevents credit unions from exceeding their statutorily permitted powers. There is no evidence that the risk of long duration subordinated notes being classified as equity has decreased, and therefore no justification for the NCUA Board to reverse its previous decision.

This commenter went on to recommend that the Board should require credit unions to submit a written legal opinion from Qualified Counsel and a written opinion from a licensed CPA to the Appropriate Supervision Office before issuing Subordinated Debt. Conversely, this commenter suggested that the Board should only allow maturities over 20 years for issuances to the U.S. Government. This commenter supported its argument by stating that ''[d]etermining whether an instrument constitutes debt or equity is not a simple matter, particularly when evaluating notes with long maturities.'' This commenter went on to state:

> Under the NCUA's proposed rule, there is nothing that would preclude a newly formed LICU from issuing notes with 50 year maturities, 99 year maturities, or even 150 year maturities. All that would be required to satisfy the letter of the proposed regulation is an analysis conducted by the credit union itself stating that the note should be considered debt and not equity and the approval of the Appropriate Supervision Office. This is not sufficient to prevent credit unions from issuing securities that are nominally debt but are, in substance, an impermissible equity interest.

Finally, this commenter cited the following case to support its position that credit union Subordinated Debt is already equity-like under the current rule:

> For example, in *United States* v. *Snyder Brothers Company,* the Fifth Circuit concluded that 20-year debentures that were subordinated to all other indebtedness of the issuer and where there was no limitation as to payment of dividends or provision for any sinking fund or reserve did not constitute ''indebtedness,'' despite the intention of the issuer. The Snyder Brothers court held that while subordination alone or a long term alone would not preclude classification as debt, those factors together, as well as the lack of any sinking fund or reserve, tended more ''towards eliminating any difference between the holders of these debentures and preferred stockholders than any case that has been called to our attention.'' (Footnote omitted).

In response to the assertions made by these commenters, the Board notes that under established case law an agency may change its position, provided it acknowledges the change and supports the change with a reasonable basis.[15] As discussed in the proposed and final rules, the NCUA is committed to ensuring FCUs offering Subordinated Debt Notes are doing so within their express statutory authority.[16] While the Board selected 20 years as a comfortable demarcation line in determining the length of maturity of a Subordinated Debt Note for purposes of ensuring it remained a borrowing, the Board never stated that any other maturity would automatically make Subordinated Debt Notes equity and not debt. Rather, in the proposed rule, the Board stated that during the formulation of the current rule, the agency engaged the services of an outside law firm that specializes in, among other things, taxation and securities law. Based on the research conducted by that firm and NCUA staff, the Board determined that 20 years was a comfortable demarcation point. NCUA staff and the Board are aware that courts have never set a strict limit on the length of a fixed stated maturity for purposes of a debt versus equity analysis. The agency recognizes that courts have, in some cases, found an instrument to be debt despite a maturity in excess of 50 years.[17] As discussed by legal scholars, as a general rule, the shorter the time between issuance of the debt instrument and the maturity or redemption date, the more the instrument appears to be debt.[18]

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[15] *See. F.C.C.* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 129 S. Ct. 1800, 173 L. Ed. 2d 738 (2009).

[16] *See.* 85 FR 13892 (Mar. 10, 2020) and 86 FR 11060 (Feb. 23, 2021).

[17] ''Although 50 years might under some circumstances be considered as a long time for the principal of a debt to be outstanding, we must take into consideration the substantial nature of the * * * [taxpayer's] business, and the fact that it had been in corporate existence since [*62] 1897, or 61 years prior to the issuance of the debentures. Therefore, we think that a 50-year term in the present case is not unreasonable. * * * [*Monon R.R.* v. *Comm'r,* 55 T.C. at 359]. *PepsiCo Puerto Rico, Inc.* v. *Comm'r,* 104 T.C.M. (CCH) 322 (T.C. 2012).''

[18] ''Federal Income Taxation of Debt Instruments,'' David C. Garlock, Matthew S. Blum, Kyle H. Klein, Richard G. Larkins & Alan B. Munro (2011).

Therefore, the Board continues to believe that 20 years is a comfortable demarcation point to balance flexibility with a rule firmly rooted in statutory authority.

The Board, however, recognizes that a fixed stated maturity date is but one factor in a debt versus equity analysis and, as noted by the U.S. Supreme Court, ''[t]here is no one characteristic . . . which can be said to be decisive in the determination of whether obligations are risk investments in the corporations or debt.'' [19] Considering the factors mentioned above, the Board proposed to provide Issuing Credit Unions with additional flexibility on this requirement and remove the fixed maximum maturity limit.

In its place, the Board proposed a requirement that a credit union must provide certain information in its application for preapproval under § 702.408 when applying to issue Subordinated Debt Notes with maturities longer than 20 years. To demonstrate the issuance is debt, the proposal included a new paragraph in § 702.408(b) that requires a credit union applying to issue Subordinated Debt Notes with maturities longer than 20 years to submit, at the discretion of the Appropriate Supervision Office, one or more of the following:

- A written legal opinion from Qualified Counsel.
- A written opinion from a licensed CPA.
- An analysis conducted by the credit union or independent third party.

In the proposal the Board articulated that the amount and type of information required to satisfy this requirement would be at the discretion of the Appropriate Supervision Office, but this determination would be based on the overall structure of the issuance, including the fixed stated maturity and any other information requested by the Appropriate Supervision Office.[20] The Board reiterates that the overall structure of the issuance *and* the proposed maturity of the Subordinated Debt Notes will dictate what information is sufficient to demonstrate that the proposed issuance would be considered debt and not equity. Therefore, in many cases an analysis by the credit union may not be sufficient to satisfy the requirements of the rule. As such, the proposal and this final rule are designed to guard against the assertions made by the commenters.

Further, in response to these two comments, the Board reiterates that FCUs only have the statutory authority to issue debt. As such, the current rule contains, in addition to the maturity restriction, several provisions designed to ensure issuances are debt and not equity. For example, the current rule requires that a Subordinated Debt Note must:

- Be in the form of a written, unconditional promise to pay on a specified date a sum certain in money in return for adequate consideration in money.
- Be properly characterized as debt in accordance with U.S. generally accepted accounting principles (GAAP).
- Not provide the holder thereof with any management or voting rights in the Issuing Credit Union.[21]

In addition, each application to issue Subordinated Debt must go through a thorough vetting process by the Appropriate Supervision Office, and, if warranted, the Office of General Counsel.

Finally, the Board notes that the cases cited by the commenters present different circumstances than are created under the current rule. For example, one commenter cited *United States* v. *Snyder Brothers Company* for the proposition that ''20-year debentures that were subordinated to all other indebtedness of the issuer and where there was no limitation as to payment of dividends or provision for any sinking fund or reserve did not constitute 'indebtedness,' despite the intention of the issuer.'' The Board points out, however, that unlike the notes in the Snyder Brothers case, credit unions are required to repay the note at maturity and interest payments when due, unless the credit union is subject to certain restrictions under the NCUA's Prompt Corrective rules.[22] This is in stark contrast to the following discussion in the Snyder Brothers case:

> Recognizing, as we must, that there is nothing to guarantee to the debenture holders that they can collect the face amount of the debentures, or even collect a past-due payment, without forcing the company into liquidation in the sense that it will be required to raise sufficient cash to pay off all its existing creditors including the debenture holders, and recognizing the well-known economic fact stated so succinctly by appellee's counsel in their brief that even all ordinary creditors, who have a right to share pari passu, rarely get the face amount of their claims, we think it is plain that upon the admitted facts of this record the documents denominated ''subordinated debentures'' do not create the kind of ''indebtedness'' which Congress had in contemplation in enacting Section 163.[23]

Further, it should be noted that, in the Snyder Brothers case the holders of the debentures were the sole shareholders of the corporation who received the debentures when they transferred the assets of the partnership to that corporation, which they had created. While the Board appreciates the discussion in the Snyder Brothers case, the debentures and circumstances of that case are quite different from the Subordinated Debt Notes issued by credit unions and the circumstances under which they are offered.

For the reasons set out above, the Board disagrees with the commenters' assertions that the proposed change would allow FCUs to operate outside of their statutory authority.

C. Comments Outside the Scope of the Proposed Rule

As noted earlier in this document, 17 commenters supported the proposed changes but offered comments on other aspects of the rule. As these comments are outside the scope of this rulemaking, the Board is not addressing them here. Rather, the Board will retain these comments for use in any future proposals to amend the current rule.

III. Final Rule

For the reasons articulated in this document and in the proposed rule, the Board is finalizing the proposed amendments without change.

IV. Regulatory Procedures

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates new or amends existing information collection requirements.[24] For purposes of the PRA, an information collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA may not conduct or sponsor, and the respondent is not required to respond to an information collection, unless it displays a valid Office of Management and Budget (OMB) control number. The current information collection requirements for Subordinated Debt are approved under OMB control number 3133–0207.

This rule removes the maximum maturity of Subordinated Debt Notes of 20 years and replaces it with a requirement that a credit union seeking to issue Subordinated Debt Notes with

[19] *John Kelley Co.* v. *Comm'r,* 326 U.S. 521, 530 (1946).

[20] 87 FR 60326, 60329 (Oct. 5, 2022).

[21] 12 CFR 702.404(a)(1), (4), and (b)(4).

[22] 12 CFR part 702, subparts A and B.

[23] *United States* v. *Snyder Brothers Company,* 367 F.2d 980, 985 (5th Cir. 1966).

[24] 44 U.S.C. 3507(d); 5 CFR part 1320.

maturities longer than 20 years provide additional information as part of its application prescribed under new § 702.408(b)(15). This reporting requirement is estimated to impact two credit unions applying to issue Subordinated Debt for an additional 20 hours per response, an increase of 40 burden hours annually. The following shows the total PRA estimate for the entire Subordinated Debt rule, inclusive of the additions referenced in the preceding sentence:

OMB Control Number: 3133–0207.

Title of information collection: Subordinated Debt, 12 CFR part 702, subpart D.

Estimated number respondents: 3,300.

Estimated number of responses per respondent: 1.12.

Estimated total annual responses: 3,705.

Estimated total annual burden hours per response: 1.54.

Estimated total annual burden hours: 5,702.

The NCUA did not receive any comments on the proposed PRA burden estimate. In accordance with the PRA, the information collection requirements included in this final rule have been submitted to OMB for approval under control number 3133–0207.

B. Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the Executive order to adhere to fundamental federalism principles.

This final rule will not have a 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. The final rule affects only a small number of state-chartered LICUs with approved secondary capital applications for issuances to the U.S. Government or its subdivisions. This final rule extends the Regulatory Capital treatment for Grandfathered Secondary Capital, eliminates the maximum maturity for Subordinated Debt, and makes two minor clarifying changes. The final rule does not impose any new significant burden on credit unions and may ease some existing requirements. The NCUA has therefore determined that this final rule does not constitute a policy that has federalism implications for purposes of the Executive order.

C. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this final rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

D. Regulatory Flexibility Act

The Regulatory Flexibility Act [25] requires the NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities (defined as credit unions with under $100 million in assets).[26] This final rule extends the Regulatory Capital treatment for Grandfathered Secondary Capital eliminates the maximum maturity for Subordinated Debt, and makes several minor clarifying changes. As such, this final rule would not impose any new significant burden on credit unions and may ease some existing requirements. In addition, based on the NCUA's PRA estimates (shown elsewhere in this document), the NCUA estimates that any additional burden will only effect two credit unions per year. Accordingly, the NCUA certifies that this final rule would not have a significant impact on a substantial number of small credit unions.

E. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) (SBREFA) generally provides for congressional review of agency rules.[27] A reporting requirement is triggered in instances where the NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act (APA).[28] The NCUA does not believe this rule is a ''major rule'' within the meaning of the relevant sections of SBREFA. As required by SBREFA, the NCUA will submit this final rule to the Office of Management and Budget for it to determine if the final rule is a ''major rule'' for purposes of SBREFA. The NCUA also will file all appropriate Congressional reports.

List of Subjects in 12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

[25] 5 U.S.C. 601 *et seq.*

[26] *Id.* at 603(a); NCUA Interpretive Ruling and Policy Statement 15–2.

[27] *Id.* 801–804.

[28] *Id.* 551.

By the NCUA Board on March 16, 2023.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons discussed in the preamble, the NCUA Board is amending 12 CFR part 702 as follows:

PART 702—CAPITAL ADEQUACY

■ 1. The authority citation for part 702 is revised to read as follows:

Authority: 12 U.S.C. 1757(9), 1766(a), 1784(a), 1786(e), 1790d.

■ 2. In § 702.401, revise paragraph (b) to read as follows:

§ 702.401 Purpose and scope.

* * * * *

(b) *Grandfathered Secondary Capital.* Any secondary capital defined as ''Grandfathered Secondary Capital'' under § 702.402, is governed by § 702.414. Grandfathered Secondary Capital will no longer be treated as Regulatory Capital as of the later of 30 years from the date of issuance or January 1, 2052.

■ 3. In § 702.402, revise the definitions for ''Qualified Counsel'' and ''Regulatory Capital'' to read as follows:

§ 702.402 Definitions.

* * * * *

Qualified Counsel means an attorney licensed to practice law who has expertise in the areas of Federal and state securities laws and debt transactions similar to those described in this subpart.

Regulatory Capital means:

(1) With respect to an Issuing Credit Union that is a LICU and not a complex credit union, the aggregate outstanding principal amount of Subordinated Debt and, until the later of 30 years from the date of issuance or January 1, 2052, Grandfathered Secondary Capital that is included in the credit union's net worth ratio;

(2) With respect to an Issuing Credit Union that is a complex credit union and not a LICU, the aggregate outstanding principal amount of Subordinated Debt that is included in the credit union's RBC ratio, if applicable;

(3) With respect to an Issuing Credit Union that is both a LICU and a complex credit union, the aggregate outstanding principal amount of Subordinated Debt and, until the later of 30 years from the date of issuance or January 1, 2052, Grandfathered Secondary Capital that is included in its net worth ratio and in its RBC ratio, if applicable; and

(4) With respect to a new credit union, the aggregate outstanding

principal amount of Subordinated Debt and, until the later of 30 years from the date of issuance or January 1, 2052, Grandfathered Secondary Capital that is considered pursuant to § 702.207.

* * * * *

■ 4. In § 702.404, revise the section heading and paragraph (a)(2) to read as follows:

§ 702.404 Requirements of the Subordinated Debt Note.

(a) * * *

(2) Have, at the time of issuance, a fixed stated maturity of at least five years. The stated maturity of the Subordinated Debt Note may not reset and may not contain an option to extend the maturity. A credit union seeking to issue Subordinated Debt Notes with maturities longer than 20 years from the date of issuance must provide the information required in § 702.408(b)(14) as part of its application for preapproval to issue Subordinated Debt;

* * * * *

■ 5. In § 702.408:
■ a. Revise paragraph (b)(7);
■ b. Redesignate paragraphs (b)(14) and (15) as paragraphs (b)(15) and (16);
■ c. Add new paragraph (b)(14); and
■ d. Revise paragraphs (l) heading and (l)(1).

The revisions and addition read as follows:

§ 702.408 Preapproval to Issue Subordinated Debt.

* * * * *

(b) * * *

(7) Pro Forma Financial Statements (balance sheet and income statement) and cash flow projections, including any off-balance sheet items, covering at least two years. Analytical support for key assumptions and key assumption changes must be included in the application. Key assumptions include, but are not limited to, interest rate, liquidity, and credit loss scenarios;

* * * * *

(14) In the case of a credit union applying to issue Subordinated Debt Notes with maturities longer than 20 years, an analysis demonstrating that the proposed Subordinated Debt Notes would be properly characterized as debt in accordance with U.S. GAAP. The Appropriate Supervision Office may require that such analysis include one or more of the following:

(i) A written legal opinion from a Qualified Counsel;

(ii) A written opinion from a licensed certified public accountant (CPA); and

(iii) An analysis conducted by the credit union or independent third party;

* * * * *

(l) *Filing requirements.* (1) Except as otherwise provided in this section, all initial applications, Offering Documents, amendments, notices, or other documents must be filed electronically with the Appropriate Supervision Office. Documents may be signed electronically using the signature provision in 17 CFR 230.402 (Rule 402 under the Securities Act of 1933, as amended).

* * * * *

■ 6. In § 702.409, revise paragraph (b)(2) to read as follows:

§ 702.409 Preapproval for federally insured, state-chartered credit unions to issue Subordinated Debt.

* * * * *

(b) * * *

(2) Pro Forma Financial Statements (balance sheet and income statement) and cash flow projections, including any off-balance sheet items, covering at least two years. Analytical support for key assumptions and key assumption changes must be included in the application. Key assumptions include, but are not limited to, interest rate, liquidity, and credit loss scenarios.

* * * * *

§ 702.414 [Amended]

■ 7. In § 702.414, amend paragraph (c) introductory text by removing the phrase ''(''discounted secondary capital'' re-categorized as Subordinated Debt)''.

[FR Doc. 2023–05808 Filed 3–24–23; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1068; Project Identifier AD–2022–00358–T; Amendment 39–22364; AD 2023–04–17]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737–8 and 737–9 airplanes, and certain Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This AD was prompted by reports of damage to the auxiliary power unit (APU) fuel line shroud located aft of the aft cargo area; investigation revealed that the placement of the pressure switch wire clamp assembly and its fastener allowed interference of the fastener against the APU fuel line shroud. This AD requires inspecting the APU fuel line shroud for damage, inspecting the pressure switch wire clamp for correct bolt orientation and horizontal distance from the APU fuel line shroud, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 1, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2022–1068; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *myboeingfleet.com.*
- 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. It is also available at *regulations.gov* under Docket No. FAA–2022–1068.

FOR FURTHER INFORMATION CONTACT: Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3552; email: *christopher.r.baker@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Boeing Model 737–8 and 737–9 airplanes, and certain Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. The NPRM

published in the **Federal Register** on October 5, 2022 (87 FR 60347). The NPRM was prompted by reports of damage to the auxiliary power unit (APU) fuel line shroud located aft of the aft cargo area; investigation revealed that the placement of the pressure switch wire clamp assembly and its fastener allowed interference of the fastener against the APU fuel line shroud. In the NPRM, the FAA proposed to require inspecting the APU fuel line shroud for damage, inspecting the pressure switch wire clamp for correct bolt orientation and horizontal distance from the APU fuel line shroud, and applicable on-condition actions. The FAA is issuing this AD to address interference of the fastener against the APU fuel line shroud, possibly resulting in a damaged APU fuel line shroud and consequent failure of the APU fuel hose, which could result in a flammable fluid leak in an ignition zone.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from The Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received a comment from Aviation Partners Boeing (APB), who has reviewed the NPRM and determined that the incorporation of STC ST00830SE for installation of blended or split scimitar winglets on Boeing 737NG airplanes does not affect compliance with the mandated actions in the proposed rule. APB supported the NPRM without change.

The FAA received additional comments from Erick Leon, Delta Air Lines (DAL), Southwest Airlines (SWA), Boeing, and American Airlines (AAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Update Service Information

Eric Leon requested that the procedure for installing the wire clamp should be updated to prevent the fuel line shroud from being damaged. The commenter noted that APU manufacturers should be required to make necessary corrections on the installation requirements for APU fuel line shroud. Lastly, the commenter stated that it would be important to understand what regulations are doing to ensure installation requirements meet minimum safety requirements set by the FAA.

The FAA does not agree with the requested change by the commenter. As discussed in the NPRM, incorrect installation of the fastener of the pressure switch wire clamp allowed interference of the fastener against the APU fuel line shroud. This installation activity occurred as part of airplane production, and is not an area intended to be covered by the APU manufacturer's design or installation instructions. To address this issue, the Boeing Alert Requirements Bulletins mandated by this AD require an inspection to determine the orientation of the fastener installed for the pressure switch wire clamp. If the fastener is not installed correctly, it must be reinstalled according to the procedures provided by the Boeing Alert Requirements Bulletins. Correct installation of the fastener will eliminate the potential of the fastener contacting the APU fuel line shroud and prevent occurrences of damage to the APU fuel line shroud. Furthermore, the correct installation specified in the Boeing Alert Requirements Bulletins complies with applicable regulations and therefore meets the minimum FAA safety requirements. The FAA has not changed this AD in response to this comment.

Request To Include Revisions of Boeing Alert Requirements Bulletins

DAL, AAL, and Boeing asked to revise the AD to require new revisions of service information that Boeing is currently drafting. Boeing noted that they are drafting revisions to Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, and Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022, to address the condition of a missing clamp. As an alternative, AAL asked the FAA to consider allowing ''later approved revisions'' of the service information.

The FAA acknowledges the commenters' concerns regarding the procedures in the service information involving a potential missing clamp. In light of the critical nature of the identified unsafe condition, the FAA does not consider it appropriate to delay this final rule until new service information is available. Revisions of Boeing Alert Requirements Bulletins 737–38A1072 RB and 737–38A1073 RB have not been submitted to the FAA for review and approval. Therefore, the FAA is unable to mandate those revisions as requested. Furthermore, we disagree to add a provision to the AD to allow the use of ''later approved revisions'' of the Boeing Alert Requirements Bulletins. The FAA can only mandate a published document since the mandated document becomes part of the AD as it is incorporated by reference. Therefore, we are unable to mandate a ''later revision'' that does not exist at the time of AD publication. The FAA has not changed this AD in response to this comment.

Request To Provide Allowances for On-Wing Repairs of Damage to the APU Fuel Line Shroud

DAL requested to provide allowances for on-wing repairs of damage to the APU fuel line shroud. DAL noted that any crack or hole found on the APU fuel line shroud or any damage which exposes bare metal on the APU fuel line shroud exceeding the blend-out limits requires replacing the existing shroud with a new or repaired shroud. DAL explained that the action of removing and re-installing the shroud represents a significant maintenance burden, estimated at up to 300 labor hours as noted in the Costs of Compliance/On-Condition Costs of the NPRM. DAL noted that they are aware of on-wing repair actions for similar damage on other aircraft models, which would alleviate the need for shroud removal, potentially reducing repair labor hours to approximately 20 labor hours.

The FAA does not agree with the requested change by DAL. The FAA is unable to provide allowances for on-wing repairs of the damaged APU fuel line shroud since such repair procedures are not provided in the service information mandated by this AD. However, if an alternative procedure is available that would provide an acceptable level of safety, such a procedure can be requested for FAA approval through the provisions of paragraph (i) of this AD. The FAA has not changed this AD in response to this comment.

Request Regarding Parts Availability

DAL's review of parts availability from information on MyBoeingFleet Part Page shows zero stock of MPN 346A2201–26 APU Fuel Line Shroud as of October 5, 2022, with one part expected to be available by June 25, 2023. The subject MPN 346A2201–26 is applicable to approximately 100 DAL 737–900ER aircraft. DAL stated lack of availability of this part could severely hamper their ability to comply with this AD in the time period proposed.

According to DAL, Boeing has advised DAL that they have what they believe to be an adequate number of MPN 346A2201–26 shrouds available, however these are under allocation control by Boeing. This condition minimizes an operator's ability to effectively plan for proper contingencies should a shroud require replacement as the operator will have to delay repair actions while awaiting Boeing to release

and ship the part to the operator potentially delaying aircraft return to service. DAL stated that if an AD will mandate this action, parts must be available to accomplish the requirements under paragraph (g) of the proposed AD.

The FAA agrees to provide clarification. When the FAA assesses unsafe conditions and establishes compliance times for ADs, the agency accounts for the practical aspects associated with compliance, including parts availability. As indicated by the commenter, the manufacturer considers that parts availability will be adequate. Similarly, the FAA has not been informed of a potential shortage of necessary parts. Therefore, the FAA considers that the compliance time of three years is adequate for operators to acquire the necessary parts and accomplish the actions required by this AD. The FAA has not changed this AD in response to this comment.

Request To Include an Inspection for Clamp Presence as First Action and in Figure 2 of Boeing Alert Service Bulletin

DAL requested to include an inspection for clamp presence as the first action rather than current ACTION 1, mandated per paragraph (g)(1) of the proposed AD under Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022. If the clamp is not installed, DAL requests a requirement to install the clamp prior to any work being performed. DAL also stated that Figure 2, sheet 3 of 4 of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, should have a provision to inspect for the missing clamp prior to any work being performed. DAL suggested an additional paragraph be added to inspect for the missing clamp. DAL stated that if the final rule continues to require accomplishment of the Boeing Alert Requirements Bulletin rather than the forthcoming revision, ACTION 1 to establish inspection within 3 inches of the clamp cannot be accomplished if clamp is not present. Therefore, an inspection for the presence of the clamp must be done first. Then, installation of the clamp and the inspection included in ACTION 1 can be performed.

The FAA does not agree with the requested changes by DAL. As stated previously, in light of the critical nature of the identified unsafe condition, the FAA does not consider it appropriate to delay this final rule until new service information is available. In addition, a pressure switch wire clamp should be present at the location specified in the service information mandated by the AD in order for an airplane to conform to the type design. We have not received any reports from the manufacturer regarding airplanes delivered with a missing pressure switch wire clamp. Also, we have not received any reports regarding the potential of the pressure switch wire clamp failing in service. Therefore, we consider that the instructions provided in the service information are adequate to address the unsafe condition. If an operator discovers an airplane with a missing pressure switch wire clamp during the accomplishment of the service information, we recommend that the operator inform the manufacturer of that condition. Operators may also request an Alternative Method of Compliance (AMOC) using the provisions in paragraph (i) of this AD if necessary. The FAA has not changed this AD in response to this comment.

Request To Clarify an Airplane Maintenance Manual (AMM) Reference

DAL requested to clarify the AMM reference in Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, Part 2 for APU Fuel line shroud removal/installation to indicate the MAIN APU fuel line shroud. DAL stated the AMM 28–25–05 has two shroud removal procedures—MAIN and AFT. In AMM 28–25–05/401, step 1.C notes that the APU shroud is divided into 2 parts with the main shroud being the one between the center tank and the pressure bulkhead, which is the subject of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, and the NPRM.

The FAA agrees that the AMM reference should be clarified to reflect the intent of the AD, which is to replace the Main APU fuel line shroud only. However, the procedures in the Boeing Alert Service Bulletin (SB) that refer to AMM 28–25–05 are not required for compliance with this AD, and therefore those procedures are not provided in the Boeing Alert Requirements Bulletin (RB). As stated in Note 1 to paragraph (g)(1) and Note 2 to paragraph (g)(2) of this AD, the Boeing Alert Service Bulletins (SB) provide guidance for accomplishing the actions required by this AD. The FAA has not changed this AD in response to this comment.

Request for Additional Instructions in Boeing Alert Requirements Bulletin

DAL stated that Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, Part 3, step 1.a. includes verbiage to ensure the damage is smoothed out and should not exceed 2 inches in length. DAL suggested an additional paragraph be provided to instruct operators to replace the existing shroud should the smoothing process require more than 2 inches. For Part 3, step 1.a., DAL stated there is no guidance should the smoothing be longer than 2 inches.

Additionally, DAL stated that Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, Part 3, step 1.b. indicates to not remove more than 0.018 inches of metal from the wall thickness. For Part 3, step 1.b., DAL stated there is no guidance should more than 0.018 inches of metal be removed.

The FAA does not agree with the requested changes by DAL. Although additional clarification as suggested by the commenter may be beneficial to operators, the FAA considers that the specific steps in the Requirements Bulletin (RB) are adequate to address the unsafe condition. Part 3 of the Service Bulletin (SB) provides one acceptable method of compliance. Part 3 of the SB provides an option to repair damage to the existing APU fuel line shroud. If the blend surface exceeds 2 inches, or if more than 0.018 inch of metal is removed from the wall thickness, the conditions required by Part 3 cannot be met, and therefore this option should not be taken. In this case, the FAA recommends the operator to follow the option provided by Part 2, which is to replace the APU fuel line shroud with a new or repaired shroud. As we clarified previously, the procedures identified by the commenter are not part of the Requirements Bulletin, and therefore are not required by this AD. Those procedures are provided in the Service Bulletin as guidance for accomplishing the actions required by this AD. The FAA has not changed this AD in response to this comment.

Request To Use Serviceable Parts

SWA stated the ''Action'' column of Table 1 in Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, and Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022, specifies ''Replace existing APU fuel line shroud with new or repaired shroud.'' For Condition 1, Condition 2 (Option 2), and Condition 3, SWA requested clarification regarding the use of an APU fuel line shroud which is not ''new or repaired,'' but is otherwise in serviceable condition. We infer SWA requested that the FAA allow an option to use serviceable parts.

The FAA agrees with the requested change by SWA. The service instructions should allow for

serviceable parts, not just ''new or repaired'' shrouds. This AD allows the installation of a ''serviceable'' APU fuel line shroud. A ''serviceable'' APU fuel line shroud is defined as an APU fuel line shroud that has been maintained using methods acceptable to the FAA and identified by the FAA as airworthy. The FAA has added paragraphs (h)(3) and (4) to this AD to include this information.

Request To Clarify the Location of the APU Fuel Line Shroud Damage

Boeing requested to clarify the location of the APU fuel line shroud damage. Boeing proposed to revise paragraph (e) of the NPRM to change the statement from: ''This AD was prompted by reports of damage to the auxiliary power unit (APU) fuel line shroud located in the aft cargo area'' to: ''This AD was prompted by reports of damage to the auxiliary power unit (APU) fuel line shroud located aft of the aft cargo area.'' This will more precisely describe the location of the APU fuel line shroud damage that was found.

The FAA agrees with the requested change by Boeing because it better describes the location of the APU fuel line shroud. The FAA has changed the **SUMMARY**, Background, and paragraph (e) of this AD as requested.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletins 737–38A1072 RB and 737–38A1073 RB, both dated February 25, 2022. This service information specifies procedures for a general visual inspection of the APU fuel line shroud in the area within 3 inches of the fastener of the pressure switch wire clamp for any damage (any crack or hole, any damage that exposes bare metal on the APU fuel line shroud, and any dent damage found that decreases the outside diameter of the shroud by more than 0.031 inch); a detailed inspection of the pressure switch wire clamp to determine if the fastener of the pressure switch wire clamp is installed with the bolt head on top and the nut on the bottom, and that there is a minimum 1.5 inches of horizontal separation between the fastener of the pressure switch wire clamp and the APU fuel line shroud, and applicable on-condition actions. On-condition actions include replacing the existing APU fuel line shroud with a new or repaired shroud; repairing any damage to the APU fuel line shroud; reinstalling the fastener of the pressure switch wire clamp with the bolt head on top and the nut on the bottom; and reinstalling the pressure switch wire clamp assembly to make sure there is 1.5 inches minimum of horizontal separation between the fastener of the pressure switch wire clamp and the APU fuel line shroud. These documents are distinct since they apply to different airplane minor models. 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**.

Costs of Compliance

The FAA estimates that this AD affects 1,919 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
One-time Inspections	2 work-hours × $85 per hour = $170	$0	$170	$326,230

The FAA estimates the following costs to do any necessary repairs, replacements, or re-installations that would be required based on the results of the inspection. The agency has no way of determining the number of aircraft that might need these repairs, replacements, or re-installations:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	Up to 3 work-hours × $85 per hour = Up to $255	$0	Up to $255.
Replacement (includes re-installation)	Up to 300 work-hours × $85 per hour = Up to $25,500	Up to $8,158	Up to $33,658.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this 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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2023–04–17 The Boeing Company: Amendment 39–22364; Docket No. FAA–2022–1068; Project Identifier AD–2022–00358–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 1, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, as identified in Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022.

(2) Model 737–8 and 737–9 airplanes, as identified in Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of damage to the auxiliary power unit (APU) fuel line shroud located aft of the aft cargo area; investigation revealed that the placement of the pressure switch wire clamp assembly and the fastener allowed interference of the fastener against the APU fuel line shroud. The FAA is issuing this AD to address interference of the fastener against the APU fuel line shroud, possibly resulting in a damaged APU fuel line shroud and consequent failure of the APU fuel hose, which could result in a flammable fluid leak in an ignition zone.

(f) Compliance

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

(g) Required Actions

(1) For the airplanes identified in paragraph (c)(1) of this AD, except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–38A1072, dated February 25, 2022, which is referred to in Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022.

(2) For the airplanes identified in paragraph (c)(2) of this AD, except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022.

Note 2 to paragraph (g)(2): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–38A1073, dated February 25, 2022, which is referred to in Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraphs of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, use the phrase ''the original issue date of Requirements Bulletin 737–38A1072 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where the Compliance Time columns of the tables in the ''Compliance'' paragraphs of Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022, use the phrase ''the original issue date of Requirements Bulletin 737–38A1073 RB,'' this AD requires using ''the effective date of this AD.''

(3) Where the Action column in Table 1 of Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022, uses the phrase ''Replace existing APU fuel line shroud with new or repaired shroud,'' this AD allows the installation of a ''serviceable'' APU fuel line shroud. A ''serviceable'' APU fuel line shroud is defined as an APU fuel line shroud that has been maintained using methods acceptable to the FAA and identified by the FAA as airworthy.

(4) Where the Action column in Table 1 of Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022, uses the phrase ''Replace existing APU fuel line shroud with new or repaired shroud,'' this AD allows the installation of a ''serviceable'' APU fuel line shroud. A ''serviceable'' APU fuel line shroud is defined as an APU fuel line shroud that has been maintained using methods acceptable to the FAA and identified by the FAA as airworthy.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO 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 manager of the certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3552; email: *christopher.r.baker@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) Boeing Alert Requirements Bulletin 737–38A1072 RB, dated February 25, 2022.

(ii) Boeing Alert Requirements Bulletin 737–38A1073 RB, dated February 25, 2022.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *myboeingfleet.com*.

(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, *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on February 22, 2023.

Christina Underwood,

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

[FR Doc. 2023–06075 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1170; Project Identifier AD–2022–00023–T; Amendment 39–22345; AD 2023–03–20]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 747–400, –400D, and –400F series airplanes. This AD was prompted by the FAA's analysis of the Model 747 airplane fuel system reviews conducted by the manufacturer, and by the determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 1, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1170; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

• For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: (562) 797–1717; website: *myboeingfleet.com.*

• 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. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2022–1170.

FOR FURTHER INFORMATION CONTACT: Samuel Dorsey, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: (206) 231–3415; email *Samuel.J.Dorsey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747–400, –400D, and –400F series airplanes. The NPRM published in the **Federal Register** on November 4, 2022 (87 FR 66615). The NPRM was prompted by the FAA's analysis of the fuel system reviews on Model 747–400, –400D, and –400F series airplanes conducted by the manufacturer, and by the determination that new or more restrictive airworthiness limitations are necessary. In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from the Air Line Pilots Association, International (ALPA), Boeing, and an individual, who supported the NPRM without change.

The FAA received an additional comment from Delta Air Lines, Inc. (Delta). The following presents the comment received on the NPRM and the FAA's response to the comment.

Request To Allow Use of Latest Revision of Service Information

Delta requested that the FAA allow operators the option to incorporate Section B, Airworthiness Limitations—Systems, of Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance Planning Data (MPD) Document, D621U400–9, dated April 2022, in lieu of the September 2021 revision specified in the NPRM. Delta stated that allowing operators the option to incorporate this latest MPD will provide an opportunity to ensure the most current information is incorporated into their maintenance program and avoid the potential for additional alternative methods of compliance (AMOCs) in the immediate future when the final rule is published.

The FAA agrees with the request for the reasons stated above. The FAA has revised the reference to Section B, Airworthiness Limitations—Systems, of Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance Planning Data (MPD) Document, D621U400–9, in paragraph (g) of this AD from ''September 2021'' to ''April 2022.'' The FAA reviewed this revision and determined it does not require additional work or impose any substantive changes to the actions proposed in the NPRM.

The FAA has also added paragraph (k) of this AD to provide credit for operators who have revised the existing maintenance or inspection program, as applicable, before the effective date of this AD, to incorporate the information specified in Section B, Airworthiness Limitations—Systems, of Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance Planning Data (MPD) Document, D621U400–9, dated September 2021. This change imposes no additional burden on operators who are required to comply with this AD.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance

Planning Data (MPD) Document, D621U400–9, dated April 2022. This service information specifies airworthiness limitations for fuel tank systems. 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**.

Costs of Compliance

The FAA estimates that this AD affects 119 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2023–03–20 The Boeing Company: Amendment 39–22345; Docket No. FAA–2022–1170; Project Identifier AD–2022–00023–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 1, 2023.

(b) Affected ADs

This AD affects the ADs specified in paragraphs (b)(1) through (7) of this AD.

(1) AD 2008–10–06 R1, Amendment 39–16160 (75 FR 906, January 7, 2010) (AD 2008–10–06 R1).

(2) AD 2008–18–09, Amendment 39–15666 (73 FR 52911, September 12, 2008) (AD 2008–18–09).

(3) AD 2010–13–12, Amendment 39–16343 (75 FR 37997, July 1, 2010) (AD 2010–13–12).

(4) AD 2010–14–08, Amendment 39–16353 (75 FR 38397, July 2, 2010) (AD 2010–14–08).

(5) AD 2011–06–03, Amendment 39–16627 (76 FR 15814, March 22, 2011) (AD 2011–06–03).

(6) AD 2014–15–14, Amendment 39–17916 (79 FR 45324, August 5, 2014) (AD 2014–15–14).

(7) AD 2016–19–03, Amendment 39–18652 (81 FR 65872, September 26, 2016) (AD 2016–19–03).

(c) Applicability

This AD applies to all The Boeing Company Model 747–400, –400D, and –400F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by the FAA's analysis of the fuel system reviews on Model 747–400, –400D, and –400F series airplanes conducted by the manufacturer, and by the determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Section B, Airworthiness Limitations—Systems, of Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance Planning Data (MPD) Document, D621U400–9, dated April 2022; except as provided by paragraph (h) of this AD. The initial compliance time for doing the airworthiness limitation instruction (ALI) tasks is at the times specified in paragraphs (g)(1) through (13) of this AD.

(1) For AWL No. 28–AWL–01, ''External Wires Over Center Fuel Tank'': At the applicable time specified in paragraph (g)(1)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–01 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(1)(i) of this AD: Within 144 months since AWL No. 28–AWL–01 was added to the maintenance or inspection program, or within 144 months after the most recent inspection was performed as specified in AWL No. 28–AWL–01, whichever occurs later.

(2) For AWL No. 28–AWL–03, ''Fuel Quantity Indication System (FQIS)—Out of Tank Wiring Lightning Shield to Ground Termination'': At the applicable time specified in paragraph (g)(2)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–03 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(2)(i) of this AD: Within 144 months since AWL No. 28–AWL–03 was

added to the maintenance or inspection program, or within 144 months after the most recent inspection was performed as specified in AWL No. 28–AWL–03, whichever occurs later.

(3) For AWL No. 28–AWL–10, ''Main Tank, Center Wing Tank, and Horizontal Stabilizer Tank (if installed) Refuel Valve Installation—Fault Current Bond'': At the applicable time specified in paragraph (g)(3)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–10 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(3)(i) of this AD: Within 144 months since AWL No. 28–AWL–10 was added to the maintenance or inspection program, or within 144 months after the most recent inspection was performed as specified in AWL No. 28–AWL–10, whichever occurs later.

(4) For AWL No. 28–AWL–17, ''Over-Current and Arcing Protection Electrical Design Features Operation—Fault Current Detector (FCD) for Center Wing Tank (CWT) Pumps and Inboard Main Tank Override/Jettison (O/J) Pumps and Horizontal Stabilizer Tank (HST) Transfer Fuel Pumps'': At the applicable time specified in paragraph (g)(4)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–17 in their maintenance or inspection program before the effective date of this AD: Within 18 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(4)(i) of this AD: Within 18 months since AWL No. 28–AWL–17 was added to the maintenance or inspection program, or within 18 months after the most recent inspection was performed as specified in AWL No. 28–AWL–17, whichever occurs later.

(5) For AWL No. 28–AWL–24, ''Horizontal Stabilizer Tank (HST) Fuel Pump Automatic Shutoff Circuit (If Installed)'': At the applicable time specified in paragraph (g)(5)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–24 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(5)(i) of this AD: Within 12 months since AWL No. 28–AWL–24 was added to the maintenance or inspection program, or within 12 months after the most recent inspection was performed as specified in AWL No. 28–AWL–24, whichever occurs later.

(6) For AWL No. 28–AWL–26, ''Main Tank 2 and Main Tank 3 Override/Jettison Fuel Pump Uncommanded on System'': At the applicable time specified in paragraph (g)(6)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–26 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(6)(i) of this AD: Within 12 months since AWL No. 28–AWL–26 was added to the maintenance or inspection program, or within 12 months after the most recent inspection was performed as specified in AWL No. 28–AWL–26, whichever occurs later.

(7) For AWL No. 28–AWL–28, ''Over-Current and Arcing Protection Electrical Design Features Operation—Main Tank AC Fuel Pump Ground Fault Interrupter (GFI)'': At the applicable time specified in paragraph (g)(7)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–28 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(7)(i) of this AD: Within 12 months since AWL No. 28–AWL–28 was added to the maintenance or inspection program, or within 12 months after the most recent inspection was performed as specified in AWL No. 28–AWL–28, whichever occurs later.

(8) For AWL No. 28–AWL–29, ''Over-Current and Arcing Protection Electrical Design Features Operation—Center Tank Scavenge AC Fuel Pump Ground Fault Interrupter (GFI)'': At the applicable time specified in paragraph (g)(8)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–29 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(8)(i) of this AD: Within 12 months since AWL No. 28–AWL–29 was added to the maintenance or inspection program, or within 12 months after the most recent inspection was performed as specified in AWL No. 28–AWL–29, whichever occurs later.

(9) For AWL No. 28–AWL–33, ''Cushion Clamps and Teflon Sleeving Installed on Out-of-Tank Wire Bundles Installed on Brackets that are Mounted Directly on the Fuel Tanks,'' at the applicable time specified in paragraph (g)(9)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–33 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(9)(i) of this AD: Within 144 months since AWL No. 28–AWL–33 was added to the maintenance or inspection program, or within 144 months after the most recent inspection was performed as specified in AWL No. 28–AWL–33, whichever occurs later.

(10) For AWL No. 28–AWL–40, ''Reserve Tank Refuel Valve Installation—Lightning Protection Electrical Bond,'' at the applicable time specified in paragraph (g)(10)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–40 in their maintenance or inspection program before the effective date of this AD: Within 72 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(10)(i) of this AD: Within 72 months since AWL No. 28–AWL–40 was added to the maintenance or inspection program, or within 72 months after the most recent inspection was performed as specified in AWL No. 28–AWL–40, whichever occurs later.

(11) For AWL No. 47–AWL–07, ''Nitrogen Generation System—Nitrogen Enriched Air (NEA) Distribution Ducting Inspection,'' at the applicable time specified in paragraph (g)(11)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 47–AWL–07 in their maintenance or inspection program before the effective date of this AD: Within 21,250 total flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(11)(i) of this AD: Within 21,250 total flight hours since AWL No. 47–AWL–07 was added to the maintenance or inspection program, or within 21,250 total flight hours after the most recent inspection was performed as specified in AWL No. 47–AWL–07, whichever occurs later.

(12) For AWL No. 47–AWL–08, ''Nitrogen Generation System [NGS]—Cross-Vent Check Valve Functional Check,'' at the applicable time specified in paragraph (g)(12)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 47–AWL–08 in their maintenance or inspection program before the effective date of this AD: Within 21,250 total flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(12)(i) of this AD: Within 21,250 total flight hours since AWL No. 47–AWL–

08 was added to the maintenance or inspection program, or within 21,250 total flight hours after the most recent inspection was performed as specified in AWL No. 47–AWL–08, whichever occurs later.

(13) For AWL No. 47–AWL–10, ''NGS—Thermal Switch,'' at the applicable time specified in paragraph (g)(13)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 47–AWL–10 in their maintenance or inspection program before the effective date of this AD: Within 54,000 total flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(13)(i) of this AD: Within 54,000 total flight hours since AWL No. 47–AWL–10 was added to the maintenance or inspection program, or within 54,000 total flight hours after the most recent inspection was performed as specified in AWL No. 47–AWL–10, whichever occurs later.

(h) Additional Acceptable Wire Types and Sleeving

As an option, during accomplishment of the actions required by paragraph (g) of this AD, the alternative materials specified in paragraphs (h)(1) and (2) of this AD are acceptable.

(1) Where AWL No. 28–AWL–08 identifies wire types BMS 13–48, BMS 13–58, and BMS 13–60, the following wire types, as applicable, are acceptable: MIL–W–22759/16, SAE AS22759/16 (M22759/16), MIL–W–22759/32, SAE AS22759/32 (M22759/32), MIL–W–22759/34, SAE AS22759/34 (M22759/34), MIL–W–22759/41, SAE AS22759/41 (M22759/41), MIL–W–22759/86, SAE AS22759/86 (M22759/86), MIL–W–22759/87, SAE AS22759/87 (M22759/87), MIL–W–22759/92, and SAE AS22759/92 (M22759/92); and MIL–C–27500 and NEMA WC 27500 cables constructed from these military or SAE specification wire types.

(2) Where AWL No. 28–AWL–08 identifies TFE–2X Standard wall for wire sleeving, the following sleeving materials are acceptable: Roundit 2000NX and Varglas Type HO, HP, or HM, as applicable.

(i) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

(j) Terminating Actions

(1) Accomplishing the actions required by paragraph (g) of this AD terminates all requirements of AD 2008–10–06 R1.

(2) Accomplishing the actions required by paragraph (g) of this AD terminates paragraph (g)(2) of AD 2008–18–09 for Model 747–400, –400D, and –400F airplanes only.

(3) Accomplishing the actions required by paragraph (g) of this AD terminates paragraph (h)(1) of AD 2010–13–12 for Model 747–400, –400D, and –400F airplanes only.

(4) Accomplishing the actions required by this AD terminates paragraph (j) of AD 2010–14–08.

(5) Accomplishing the actions required by paragraph (g) of this AD terminates paragraph (l) of AD 2011–06–03 for Model 747–400, –400D, and –400F airplanes only.

(6) Accomplishing the actions required by paragraph (g) of this AD terminates paragraph (h)(1) of AD 2014–15–14 for Model 747–400, –400D, and –400F airplanes only.

(7) Accomplishing the actions required by paragraph (g) of this AD terminates paragraph (h) of AD 2016–19–03 for Model 747–400, –400D, and –400F airplanes only.

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Section B, Airworthiness Limitations—Systems, of Section 9, AWLs and CMRs, of Boeing 747–400 MPD Document, D621U400–9, dated September 2021.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO 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 manager of the certification office, send it to the attention of the person identified in paragraph (m) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Related Information

For more information about this AD, contact Samuel Dorsey, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: (206) 231–3415; email: *Samuel.J.Dorsey@faa.gov.*

(n) 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) Section 9, Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), of Boeing 747–400 Maintenance Planning Data (MPD) Document, D621U400–9, dated April 2022.

(ii) [Reserved]

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: (562) 797–1717; website: *myboeingfleet.com.*

(4) You may view this service information at 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 February 10, 2023.

Christina Underwood,

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

[FR Doc. 2023–06044 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0440; Project Identifier AD–2023–00245–T; Amendment 39–22396; AD 2023–06–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–8, –8200, and –9 airplanes. This AD was prompted by a report indicating that certain engine anti-ice (EAI) exhaust duct fasteners were inadequately torqued. This AD requires an inspection or records review to determine the serial number of each engine inlet; and if any affected engine inlet is found, an inspection of the EAI exhaust duct fasteners to determine the gap spacing and if all fasteners are installed, applicable related investigative and

corrective actions, and part marking. This AD also limits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 11, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 11, 2023.

The FAA must receive comments on this AD by May 11, 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* by searching for and locating Docket No. FAA–2023–0440; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, 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 final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this referenced 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. It is also available at *regulations.gov* under Docket No. FAA–2023–0440.

FOR FURTHER INFORMATION CONTACT: Samuel Dorsey, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3415; email: *Samuel.j.dorsey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include Docket No. FAA–2023–0440 and Project Identifier AD–2023–00245–T at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Samuel Dorsey, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3415; email: *Samuel.j.dorsey@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that during a pre-flight check, the flightcrew discovered a bolt protruding through a drain hole at the bottom of the engine inlet near the EAI exhaust vent. Boeing determined that some of the fasteners for EAI exhaust ducts were installed at the factory with inadequate torque due to the use of a prohibited yoke-style torque wrench adapter at a significant angle. When used at a sufficiently large angle, which is expected due to the restricted access in the area of the EAI exhaust duct, this adapter will produce a significant under-torque of the installed fasteners. Inadequately-torqued fasteners may loosen over time due to engine vibration, eventually causing the fastener to drop into the inlet inner barrel.

The EAI system injects high-temperature bleed air from the engine into the interior of the inlet lip to prevent the formation of icing on the exterior of the inlet lip. This EAI exhaust air then exits the rear of the inlet lip through the EAI exhaust duct, which passes through the inlet inner barrel prior to exhausting air overboard. The composite construction of the inlet inner barrel structure is susceptible to heat damage at the temperatures of the EAI exhaust air should a leak occur.

These inadequately torqued (loose or missing) fasteners for the EAI exhaust duct could allow EAI exhaust air to escape from the EAI exhaust duct via two scenarios. In the first scenario, the loose or missing fasteners allow the EAI exhaust duct to vibrate excessively, which, when combined with the redistribution of structural loads onto the other fasteners, may lead to fatigue cracking of the EAI exhaust duct. This fatigue cracking would ultimately progress to a rupture of the EAI exhaust duct. In the second scenario, the loose or missing fasteners may allow EAI exhaust air to escape from a limited location. This escaping air may impinge directly on the inner barrel structure, depending on which specific fasteners are loose or missing. In both scenarios, EAI exhaust air enters the inlet inner barrel causing heat damage, which will compromise the structural integrity of the inlet, eventually leading to inlet failure and separation under normal flight loads.

Failure and separation of the inlet will lead to failure of the corresponding engine due to airflow disruption and ingestion of debris, and likely to failure and separation of the associated fan cowl. Damage to the engine and engine nacelle could result in a loss of engine thrust, increased nacelle drag, and disruption of airflow over the wing, which may excessively reduce the controllability and climb performance of the airplane; and damage from debris departing the engine and nacelle, which could impact the fuselage and empennage, could result in personal injury to passengers and loss of control of the airplane.

The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency has determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023. (Attachments I and II of this document are dated March 2, 2023.) The service information specifies procedures for an inspection to determine the serial number of each engine inlet, and if any affected engine inlet is found, an inspection of the EAI exhaust duct fasteners to determine the gap spacing and if all fasteners are installed, applicable related investigative and corrective actions, and part-marking the engine inlet. Related investigative actions include an inspection of the fasteners for proper torque, general visual and high frequency eddy current inspections of the EAI exhaust duct flange and fastener holes for cracking, and visual inspections of the inner barrel for thermal exposure (*i.e.,* heat damage). Corrective actions include re-torque of fasteners, repairing or replacing EAI exhaust ducts, repairing thermal exposure, and replacing the engine inlet. 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 the **ADDRESSES** section.

AD Requirements

This AD requires accomplishing the actions identified as ''(RC)'' (required for compliance) in the Work Instructions of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, described previously, except as discussed under ''Differences Between this AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this AD.

For information on the procedures and compliance times, see this service information at *regulations.gov* under Docket No. FAA–2023–0440.

Differences Between This AD and the Service Information

Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, specifies that the actions must be done on all airplanes. However, airplanes produced after a certain production line number were verified to have properly torqued EAI exhaust duct fasteners. Therefore, paragraph (g) of this AD only applies to airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of the AD. The parts installation limitation specified in paragraph (i) of this AD applies to all airplanes.

Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, includes an inspection to verify the serial number of the inlet. This AD also allows a review of airplane maintenance records in lieu of the inspection to verify the serial number of the inlet if the serial number of the inlet can be conclusively determined from that review.

Interim Action

The FAA considers this AD to be an interim action. The FAA is investigating if design changes may be needed to prevent a future common-cause failure of the EAI exhaust duct. If final action is later identified, the FAA might consider further rulemaking then.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because loose or missing fasteners for the EAI exhaust duct might allow EAI exhaust air to enter the inlet interior causing heat damage, which could compromise the structural integrity of the inlet, eventually leading to inlet failure and separation under normal flight loads. Failure and separation of the inlet will lead to failure of the corresponding engine due to airflow disruption and ingestion of debris and likely failure and separation of the associated fan cowl. Damage to the engine and engine nacelle could result in a loss of engine thrust, increased nacelle drag, and disruption of airflow over the wing which may excessively reduce the controllability and climb performance of the airplane; and damage from debris departing the engine and nacelle, which could impact the fuselage and empennage, could result in personal injury to passengers and loss of control of the airplane. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 330 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection or records review to determine serial number of engine inlet.	1 work-hour × $85 per hour = $85	$0	$85	$28,050
Inspection of fastener gaps and to determine if all fasteners are installed, and engine inlet part-marking.	2 work-hour × $85 per hour = $170 per inlet (2 inlets per airplane).	0	340	112,200

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of the inspection to of fastener gaps and to determine if all fasteners are installed. The FAA has no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS *

Action	Labor cost	Parts cost	Cost per product
Inspection of the fasteners for proper torque	1 work-hour × $85 per hour = $85 per inlet	$0	$85 per inlet.
EAI exhaust duct inspection	1 work-hour × $85 per hour = $85 per inlet	0	85 per inlet.
EAI exhaust duct replacement	1 work-hour × $85 per hour = $85 per inlet	10,000 per inlet	10,085 per inlet.
Inner barrel thermal exposure inspection	1 work-hour × $85 per hour = $85 per inlet	0	85 per inlet.
Inlet replacement	12 work-hours × $85 per hour = $1,020 per inlet.	1,741,000 per inlet	1,742,020 per inlet.
Re-torquing	1 work-hour × $85 per hour = $85 per inlet	0	85 per inlet.

* For repair of the EAI exhaust duct and repairing thermal exposure, the FAA has no definitive data on which to base the cost estimate for those actions.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this 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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2023–06–10 The Boeing Company: Amendment 39–22396; Docket No. FAA–2023–0440; Project Identifier AD–2023–00245–T.

(a) Effective Date

This airworthiness directive (AD) is effective April 11, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–8, –8200, and –9 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection; 71, Powerplant.

(e) Unsafe Condition

This AD was prompted by a report indicating that certain engine anti-ice (EAI) exhaust duct fasteners were inadequately torqued during installation at the factory. The FAA is issuing this AD to address loose or missing fasteners for the EAI exhaust duct that may allow EAI exhaust air to enter the inlet inner barrel causing heat damage that will compromise the structural integrity of the inlet, eventually leading to inlet failure and separation under normal flight loads. The unsafe condition, if not addressed, will lead to failure of the corresponding engine due to airflow disruption and ingestion of debris and likely failure and separation of the associated fan cowl. Damage to the engine and engine nacelle could result in a loss of engine thrust, increased nacelle drag, and disruption of airflow over the wing, which may excessively reduce the controllability and climb performance of the airplane; and damage from debris departing the engine and nacelle, which could impact the fuselage and empennage, could result in personal injury to passengers and loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of the AD: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Suggested Operator Action'' section of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Work Instructions of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023. Perform all applicable related investigative and corrective actions before further flight.

(h) Exceptions to Service Information Specifications

(1) Where the ''Suggested Operator Action'' section of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, specifies doing ''the following actions within the given time from the publication of this service letter,'' this AD requires accomplishing the actions within the specified compliance times after ''the effective date of this AD.''

(2) Where the ''Suggested Operator Action'' section of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, specifies ''corrective actions,'' for this AD, those actions include ''corrective and related investigative actions.''

(3) A review of airplane maintenance records is acceptable in lieu of the inspection to verify the serial number of the inlet specified in step A.1. of the Work Instructions of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, if the serial number of the inlet can be conclusively determined from that review.

(4) Where Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, specifies contacting Boeing for repair or further instructions: This AD requires doing the repair and applicable instructions before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(5) Where the Work Instructions of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, refers to the structural repair manual, replace the text ''737–8/8200/9 Structural Repair Manual (SRM) 51–40–04, Revision 18/9/15,'' with ''737–8 Structural Repair Manual (SRM) 51–40–04, Revision 18 or 19; 737–8200 SRM 51–40–04, Revision 9 or 10; or 737–9 SRM 51–40–04, Revision 15 or 16.''

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install an engine inlet assembly with a serial number listed in Attachment I of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023, on any airplane unless all applicable actions required by paragraph (g) of this AD have been done for that inlet.

(j) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Letter 737–SL–71–081, dated February 20, 2023, provided the conditions specified in paragraphs (j)(1) and (2) of this AD are met.

(1) An inspection or records review has been done to verify the inlet serial number is not included in the additional serial numbers identified in Attachment I of Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023; and the serial number of the inlet can be conclusively determined from that inspection or review.

(2) Where the Work Instructions of Boeing Service Letter 737–SL–71–081, dated February 20, 2023, refer to the structural repair manual (SRM) to apply torque, the applicable SRM identified in paragraph (j)(2)(i), (ii), or (iii) of this AD was used to apply the torque.

(i) Boeing 737–8 SRM 51–40–04, Revision 18, dated November 10, 2022; or Revision 19, dated March 10, 2023.

(ii) Boeing 737–8200 SRM 51–40–04, Revision 9, dated November 10, 2022; or Revision 10, dated March 10, 2023.

(iii) Boeing 737–9 SRM 51–40–04, Revision 15, dated November 10, 2022; or Revision 16, dated March 10, 2023.

(k) Special Flight Permit

(1) Special flight permits, as described in 14 CFR 21.197 and 21.199, may be issued to move the airplane to a maintenance facility prior to performing the required inspections.

(2) If, during the inspections required by paragraph (g) of this AD, only one engine is found with an inlet having any crack or thermal damage: Special flight permits, as described in 14 CFR 21.197 and 21.199, may be issued to operate the airplane to a location where the requirements of this AD can be accomplished provided the conditions specified in paragraph (k)(2)(i) and (ii) of this AD, as applicable, are met.

(i) The EAI is deactivated on the affected engine in accordance with the operator's existing Minimum Equipment List.

(ii) For any inlet with any thermal exposure (*i.e.,* heat damage) on the inner barrel, The Boeing Company Organization Designation Authorization (ODA) is contacted to obtain concurrence for issuance of a special flight permit and The Boeing Company ODA concurs. Operators must comply with any flight limitations provided by The Boeing Company ODA. The concurrence with any limitations must specifically refer to this AD.

(3) If, during the inspections required by paragraph (g) of this AD, both engines are found with inlets having any crack or thermal exposure: Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO 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 manager of the certification office, send it to the attention of the person identified in paragraph (m) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company ODA that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

For more information about this AD, contact Samuel Dorsey, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3415; email: *Samuel.j.dorsey@faa.gov.*

(n) 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) Boeing Service Letter 737–SL–71–081–A, Revision A, dated March 3, 2023.

Note 1 to paragraph (n)(2)(i): Attachments I and II of this document are dated March 2, 2023.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

(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, *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 17, 2023.

Christina Underwood,

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

[FR Doc. 2023–06364 Filed 3–23–23; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1395 Airspace Docket No. 22–ACE–10]

RIN 2120–AA66

Amendment of Multiple Air Traffic Service (ATS) Routes and Revocation of a VOR Federal Airway in the Vicinity of Wolbach, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Jet Routes J–10, J–84, J–100, J–128, J–144, and J–197, Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airways V–172 and V–380, and Area Navigation (RNAV) route T–288; and revokes VOR Federal airway V–219. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Wolbach, NE (OBH), VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The Wolbach VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1395 in the **Federal Register** (87 FR 71266; November 22, 2022), amending Jet Routes J–10, J–84, J–100, J–128, J–144, and J–197, VOR Federal airways V–172 and V–380, and RNAV route T–288; and revoking VOR Federal airway V–219 due to the planned decommissioning of the VOR portion of the Wolbach VORTAC NAVAID.

Differences From the NPRM

Subsequent to the NPRM publication, the FAA determined one route point listed in the RNAV route T–288 description could be removed without affecting the route's structure or alignment. The FESNT, NE, waypoint (WP) in the T–288 description does not denote a route turn point, does not have established holding requirements, and is not required due to PBN leg length maximum allowable distances being exceeded; therefore, it is not required in the description. This rule removes the FESNT, WP route point from the description of T–288 between the Ainsworth, NE, VOR/Distance Measuring Equipment (VOR/DME) and the ISTIQ, NE, WP route points.

Incorporation by Reference

Jet Routes are published in paragraph 2004, VOR Federal airways are published in paragraph 6010(a), and United States Area Navigation Routes (T-routes) are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending Jet Routes J–10, J–84, J–100, J–128, J–144, and J–197, VOR Federal airways V–172 and V–380, and RNAV route T–288; and revoking VOR Federal airway V–219 due to the planned decommissioning of the VOR portion of the Wolbach, NE, VORTAC. The ATS route actions are described below.

J–10: J–10 extends between the Los Angeles, CA, VORTAC and the Iowa City, IA, VOR/DME. The route segment overlying the Wolbach VORTAC between the North Platte, NE, VOR/DME and the Des Moines, IA, VORTAC is removed. As amended, the route extends between the Los Angeles VORTAC and the North Platte VOR/DME, and between the Des Moines VORTAC and the Iowa City VOR/DME.

J–84: J–84 extends between the Oakland, CA, VOR/DME and the Danville, IL, VORTAC. The route segment overlying the Wolbach VORTAC between the Sidney, NE, VOR/DME and the Dubuque, IA, VORTAC is removed. As amended, the route extends between the Oakland VOR/DME and the Sidney VOR/DME, and between the Dubuque VORTAC and the Danville VORTAC.

J–100: J–100 extends between the Los Angeles, CA, VORTAC and the Northbrook, IL, VORTAC. The route segment overlying the Wolbach VORTAC between the Sidney, NE, VOR/DME and the Dubuque, IA, VORTAC is removed. As amended, the route extends between the Los Angeles VORTAC and the Sidney VOR/DME, and between the Dubuque VORTAC and the Northbrook VORTAC.

J–128: J–128 extends between the Los Angeles, CA, VORTAC and the Northbrook, IL, VORTAC. The route segment overlying the Wolbach VORTAC between the Hayes Center, NE, VORTAC and the Dubuque, IA, VORTAC is removed. As amended, the route extends between the Los Angeles VORTAC and the Hayes Center VORTAC, and between the Dubuque VORTAC and the Northbrook VORTAC.

J–144: J–144 extends between the Wolbach, NE, VORTAC and the Dubuque, IA, VORTAC. The route segment overlying the Wolbach VORTAC between the Wolbach VORTAC and the Des Moines, IA, VORTAC is removed. As amended, the route extends between the Des Moines VORTAC and the Dubuque VORTAC.

J–197: J–197 extends between the Dove Creek, CO, VORTAC and the Sioux Falls, SD, VORTAC. The route segment overlying the Wolbach VORTAC between the Goodland, KS, VORTAC and Sioux Falls, SD, VORTAC is removed. As amended, the route extends between the Dove Creek VORTAC and the Goodland VORTAC.

V–172: V–172 extends between the North Platte, NE, VOR/DME and the DuPage, IL, VOR/DME. The airway segment overlying the Wolbach VORTAC between the North Platte, NE,

VOR/DME and the Columbus, NE, VOR/DME is removed. As amended, the airway extends between the Columbus VOR/DME and the DuPage VOR/DME.

V–219: V–219 extends between the Hayes Center, NE, VORTAC and the Norfolk, NE, VOR/DME. The airway is removed in its entirety.

V–380: V–380 extends between the O'Neill, NE, VORTAC and the Mankato, KS, VORTAC. The airspace within the O'Neill Military Operations Area (MOA) is excluded when the MOA is activated by Notice to Air Missions (NOTAM). The airway segment overlying the Wolbach VORTAC between the O'Neill, NE, VORTAC and the Grand Island, NE, VOR/DME, and the airway exclusion is removed. As amended, the airway extends between the Grand Island VOR/DME and the Mankato VORTAC.

T–288: T–288 currently extends between the Gillette, WY, VOR/DME and the Wolbach, NE, VORTAC. The Wolbach VORTAC route point is replaced by the ISTIQ, NE, WP located 3 nautical miles northwest of the Wolbach VORTAC on RNAV route T–413. Additionally, the Rapid City, SD, VORTAC latitude/longitude geographic coordinates are updated to match the FAA's National Airspace System Resource database information. As amended, the route extends between the Gillette VOR/DME and the ISTIQ, WP.

All NAVAID radials listed in the ATS route descriptions below are unchanged and stated in degrees True north.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending Jet Routes J–10, J–84, J–100, J–128, J–144, and J–197, VOR Federal airways V–172 and V–380, and RNAV route T–288; and revoking VOR Federal airway V–219, due to the planned decommissioning of the VOR portion of the Wolbach, NE, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); paragraph 5–6.5(b), which categorically excludes from further environmental impact review actions regarding establishment of jet routes and Federal airways (see 14 CFR 71.15, Designation of jet routes and VOR Federal airways); operation of civil aircraft in a defense area, or to, within, or out of the United States through a designated Air Defense Identification Zone (ADIZ) (14 CFR part 99, Security Control of Air Traffic); authorizations for operation of moored balloons, moored kites, amateur rockets, and unmanned free balloons (see 14 CFR part 101, Moored Balloons, Kites, Amateur Rockets and Unmanned Free Balloons); and, authorizations of parachute jumping and inspection of parachute equipment (see 14 CFR part 105, Parachute Operations); paragraph 5–6.5i, which categorically excludes from further environment impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. For modifications to air traffic procedures at or above 3,000 feet AGL, the Noise Screening Tool (NST) or other FAA-approved environmental screening methodology should be applied; and paragraph 5–6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes.

* * * * *

J–10 [Amended]

From Los Angeles, CA; INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; INT Twentynine Palms 075° and Flagstaff, AZ, 251° radials; Flagstaff; Rattlesnake, NM; Blue Mesa, CO; Falcon, CO; to North Platte, NE. From Des Moines, IA; to Iowa City, IA.

* * * * *

J–84 [Amended]

From Oakland, CA; Linden, CA; Mina, NV; Delta, UT; Meeker, CO; to Sidney, NE. From Dubuque, IA; Northbrook, IL; to Danville, IL.

* * * * *

J–100 [Amended]

From Los Angeles, CA; Daggett, CA; Las Vegas, NV; INT of Las Vegas 046° and Bryce Canyon, UT, 240° radials; Bryce Canyon; Meeker, CO; to Sidney, NE. From Dubuque, IA; to Northbrook, IL.

* * * * *

J–128 [Amended]

From Los Angeles, CA; INT Los Angeles 083° and Peach Springs, AZ, 244° radials;

Peach Springs; Tuba City, AZ; Blue Mesa, CO; Falcon, CO; to Hayes Center, NE. From Dubuque, IA; to Northbrook, IL.

* * * * *

J–144 [Amended]

From Des Moines, IA; to Dubuque, IA.

* * * * *

J–197 [Amended]

From Dove Creek, CO; Hugo, CO; to Goodland, KS.

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–172 [Amended]

From Columbus, NE; Omaha, IA; INT Omaha 066° and Newton, IA, 262° radials; Newton; Cedar Rapids, IA; Polo, IL; INT Polo 088° and DuPage, IL, 293° radials; to DuPage.

* * * * *

V–219 [Removed]

* * * * *

V–380 [Amended]

From Grand Island, NE; Hastings, NE; to Mankato, KS.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–288 GILLETTE, WY (GCC) TO ISTIQ, NE [AMENDED]

Gillette, WY (GCC)	VOR/DME	(Lat. 44°20′51.98″ N, long. 105°32′36.55″ W)
KARAS, WY	FIX	(Lat. 44°16′22.88″ N, long. 104°18′49.64″ W)
Rapid City, SD (RAP)	VORTAC	(Lat. 43°58′33.74″ N, long. 103°00′44.38″ W)
WNDED, SD	WP	(Lat. 43°19′14.00″ N, long. 101°32′19.00″ W)
Valentine, NE (VTN)	NDB	(Lat. 42°51′41.85″ N, long. 100°32′58.73″ W)
Ainsworth, NE (ANW)	VOR/DME	(Lat. 42°34′08.81″ N, long. 099°59′22.78″ W)
ISTIQ, NE	WP	(Lat. 41°24′52.04″ N, long. 098°24′18.89″ W)

* * * * *

Issued in Washington, DC, on March 20, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–06101 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1424; Airspace Docket No. 22–AEA–11]

RIN 2120–AA66

Amendment of VOR Federal Airways V–268 and V–474, Revocation of Jet Route J–518 and VOR Federal Airway V–119, and Establishment of Area Navigation Route Q–178 in the Vicinity of Indian Head, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airways V–268 and V–474, revokes Jet Route J–518 and VOR Federal airway V–119, and establishes Area Navigation (RNAV) route Q–178. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Indian Head, PA, VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The Indian Head VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1424 in the **Federal Register** (87 FR 72904; November 28, 2022), amending VOR Federal airways V–268 and V–474, revoking Jet Route J–518 and VOR Federal airway V–119, and establishing Area Navigation (RNAV) route Q–178 due to the planned decommissioning of the VOR portion of the Indian Head, PA, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

In the NPRM, the FAA erroneously stated that, although the VOR portion of the Indian Head VORTAC was planned for decommissioning, the co-located Distance Measuring Equipment (DME) would be retained. Instead, the co-located Tactical Air Navigation (TACAN) is being retained to provide navigational service for military operations and DME service in support of current and future Next Generation Air Transportation System Performance Based Navigation procedures. This does not affect the changes to the airways in this rule.

Incorporation by Reference

Jet Routes are published in paragraph 2004, United States Area Navigation Routes (Q-routes) are published in

paragraph 2006, and VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending VOR Federal airways V–268 and V–474, revoking Jet Route J–518 and VOR Federal airway V–119, and establishing RNAV route Q–178. The Air Traffic Service (ATS) route amendments, revocations, and establishment are required due to the planned decommissioning of the Indian Head, PA, VOR and are described below.

J–518: J–518 extends between the Dryer, OH, VOR/Distance Measuring Equipment (VOR/DME) and the Baltimore, MD, VORTAC via the Indian Head, PA, VORTAC. The route is removed in its entirety.

Q–178: Q–178 is a new RNAV route extending between the Dryer, OH, VOR/DME and the Baltimore, MD, VORTAC via the LEJOY, PA, Fix located approximately 4 nautical miles (NM) northwest of the Indian Head VORTAC. The new Q–178 provides the high altitude enroute structure necessary to replace the loss of J–518 and maintain the connectivity to multiple instrument approach procedures for various airports.

V–119: V–119 extends between the Parkersburg, WV, VOR/DME and the Indian Head, PA, VORTAC. The airway is removed in its entirety.

V–268: V–268 extends between the intersection of the Morgantown, WV, VOR/DME 010° and Johnstown, PA, VOR/DME 260° radials (NESTO Fix) and the Augusta, ME, VOR/DME. The airspace within restricted area R–4001B and the airspace below 2,000 feet mean sea level (MSL) outside the United States is excluded. The airway segment overlying the Indian Head VORTAC between the NESTO Fix and the Hagerstown, MD, VOR is removed. As amended, the airway extends between the Hagerstown VOR and the Augusta VOR/DME. The exclusionary language remains unchanged.

V–474: V–474 extends between the intersection of the Morgantown, WV, VOR/DME 010° and Johnstown, PA, VOR/DME 260° radials (NESTO Fix) and the Modena, PA, VORTAC. The airway segment overlying the Indian Head VORTAC between the NESTO Fix and the St. Thomas, PA, VORTAC is removed. As amended, the airway extends between the St. Thomas VORTAC and the Modena VORTAC.

The NAVAID radials listed in the ATS route descriptions below are unchanged and stated in degrees True north.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending VOR Federal airways V–268 and V–474, revoking Jet Route J–518 and VOR Federal airway V–119, and establishing RNAV route Q–178, due to the planned decommissioning of the VOR portion of the Indian Head, PA, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes.

* * * * *

J–518 [Removed]

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–178 DRYER, OH (DJB) TO BALTIMORE, MD (BAL) [NEW]

Dryer, OH (DJB)	VOR/DME	(Lat. 41°21′29.03″ N, long. 082°09′43.09″ W)
LEJOY, PA	FIX	(Lat. 40°00′12.22″ N, long. 079°24′53.61″ W)
Baltimore, MD (BAL)	VORTAC	(Lat. 39°10′15.83″ N, long. 076°39′40.52″ W)

* * * * *

Paragraph 6010(a) Domestic VOR Federal airways.

* * * * *

V–119 [Removed]

* * * * *

V–268 [Amended]

From Hagerstown, MD; Westminster, MD; Baltimore, MD; INT Baltimore 093° and Smyrna, DE, 262° radials; Smyrna; INT Smyrna 086° and Sea Isle, NJ, 050° radials; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Sandy Point, RI; INT Sandy Point 031° and Kennebunk, ME, 180° radials; INT Kennebunk 180° and Boston, MA, 032° radials; INT Boston 032° and Augusta, ME, 195° radials; to Augusta. The airspace within R–4001B and the airspace below 2,000 feet MSL outside the United States is excluded.

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V–474 [Amended]

From St. Thomas, PA; INT St. Thomas 088° and Modena, PA, 274° radials; to Modena.

* * * * *

Issued in Washington, DC, on March 20, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–06102 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1399; Airspace Docket No. 22–AGL–22]

RIN 2120–AA66

Amendment of VOR Federal Airways V–126, V–156, V–233, and V–422, and Revocation of V–340 and V–371 in the Vicinity of Knox, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airways V–126, V–156, V–233, and V–422, and revokes VOR Federal airways V–340 and V–371. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Knox, IN (OXI), VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Knox VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1399 in the **Federal Register** (87 FR 72426, November 25, 2022), amending VOR Federal airways V–126, V–156, V–233, and V–422, and revoking VOR Federal airways V–340 and V–371 due to the planned decommissioning of the VOR portion of the Knox, IN, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

Subsequent to the NPRM, the FAA published a rule for Docket No. FAA–2022–1107 in the **Federal Register** (88 FR 4081, January 24, 2023), amending VOR Federal airway V–156 by removing the airway segment between the Gipper, MI, VOR/Tactical Air Navigation (VORTAC) and the Kalamazoo, MI, VOR/DME. That airway amendment, effective April 20, 2023, is included in this rule.

Additionally, subsequent to the NPRM, the FAA published a rule for Docket No. FAA–2022–1113 in the **Federal Register** (88 FR 2504 January 17, 2023), amending VOR Federal airway V–233 by removing the airway segment between the Goshen, IN, VORTAC and the Litchfield, MI, VOR/DME. That airway amendment, effective April 20, 2023, is included in this rule.

Incorporation by Reference

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending VOR Federal airways V–126, V–156, V–233, and V–422, and revoking VOR Federal airways V–340 and V–371 due to the planned decommissioning of the VOR portion of the Knox, IN, VOR/DME. The VOR Federal airway actions are described below.

V–126: V–126 extends between the intersection of the Peotone, IL, VORTAC 053° and Knox, IN, VOR/DME 297° radials (BEARZ Fix) and the intersection of the Goshen, IN, VORTAC 092° and Fort Wayne, IN, VORTAC 016° radials (ILTON Fix). The airway segment between the BEARZ Fix and the Goshen, IN, VORTAC is removed. As amended, the airway extends between the Goshen VORTAC and the intersection of the Goshen VORTAC 092° and the Fort Wayne VORTAC 016° radials (ILTON Fix).

V–156: V–156 extends between the Cedar Rapids, IA, VOR/DME and the Gipper, MI, VORTAC. The airway segment between the Peotone, IL, VORTAC and the Gipper, MI, VORTAC is removed. As amended, the airway extends between the Cedar Rapids VOR/DME and the Peotone VORTAC.

V–233: V–233 extends between the Spinner, IL, VORTAC and the Goshen, IN, VORTAC; and between the Mount Pleasant, MI, VOR/DME and the Pellston, MI, VORTAC. The airway segment between the Roberts, IL, VOR/DME and the Goshen, IN, VORTAC is removed. As amended, the airway extends between the Spinner VORTAC and the Roberts VOR/DME and between the Mount Pleasant VOR/DME and the Pellston VORTAC.

V–340: V–340 extends between the intersection of the Peotone, IL, VORTAC 053° and Knox, IN, VOR/DME 297° radials (BEARZ Fix) and the Fort Wayne, IN, VORTAC. The airway is removed in its entirety.

V–371: V–371 extends between the Boiler, IN, VORTAC and the Knox, IN, VOR/DME. The airway is removed in its entirety.

V–422: V–422 extends between the intersection of the DuPage, IL, VOR/DME 101° and Chicago Heights, IL, VORTAC 358° radials (NILES Fix) and the Flag City, OH, VORTAC. The airway segment between the NILES Fix and the Webster Lake, IN, VOR is removed. As amended, the airway extends between the Webster Lake VOR and the Flag City VORTAC.

The NAVAID radials listed in the VOR Federal airway descriptions below are unchanged and stated in degrees True north.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending VOR Federal airways V–126, V–156, V–233, and V–422, and revoking VOR Federal airways V–340 and V–371, due to the planned decommissioning of the VOR portion of the Knox, IN, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–126 [Amended]

From Goshen, IN; to INT Goshen 092° and Fort Wayne, IN, 016° radials.

* * * * *

V–156 [Amended]

From Cedar Rapids, IA; Moline, IL; Bradford, IL; to Peotone, IL.

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V–233 [Amended]

From Spinner, IL; INT Spinner 061° and Roberts, IL, 233° radials; to Roberts. From Mount Pleasant, MI; INT Mount Pleasant 351° and Gaylord, MI, 207° radials; Gaylord; to Pellston, MI.

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V–340 [Removed]

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V–371 [Removed]

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V–422 [Amended]

From Webster Lake, IN; INT Webster Lake 097° and Flag City, OH, 289° radials; to Flag City.

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Issued in Washington, DC, on March 20, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–06104 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1436; Airspace Docket No. 22–ACE–13]

RIN 2120–AA66

Amendment of VOR Federal Airways V–50, V–52, V–63, and V–586, and Revocation of V–582 in the Vicinity of Quincy, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Very High Frequency (VHF) Omnidirectional Range (VOR) Federal airways V–50,

V–52, V–63, and V–586, and revokes VOR Federal airway V–582. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Quincy, IL (UIN), VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The Quincy VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the NPRM, all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1436 in the **Federal Register** (87 FR 80095; December 29, 2022), amending VOR Federal airways V–50, V–52, V–63, and V–586, and revoking VOR Federal airway V–582 due to the planned decommissioning of the VOR portion of the Quincy, IL, VORTAC NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

In the NPRM, the FAA erroneously stated that, although the VOR portion of the Quincy, IL, VORTAC was planned for decommissioning, the co-located Distance Measuring Equipment (DME) would be retained. Instead, the co-located Tactical Air Navigation (TACAN) is being retained to provide navigational service for military operations and DME service in support of current and future Next Generation Air Transportation System Performance Based Navigation procedures. This does not affect the changes to the airways in this rule.

Incorporation by Reference

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending VOR Federal airways V–50, V–52, V–63, and V–586, and revoking VOR Federal airway V–582 due to the planned decommissioning of the VOR portion of the Quincy, IL, VORTAC. The airway actions are described below.

V–50: V–50 extends between the St Joseph, MO, VORTAC and the Dayton, OH, VOR/Distance Measuring Equipment (VOR/DME). The airway segment overlying the Quincy VORTAC between the Kirksville, MO, VORTAC and the Spinner, IL, VORTAC is removed. As amended, the airway extends between the St Joseph VORTAC and the Kirksville VORTAC and between the Spinner VORTAC and the Dayton VOR/DME.

V–52: V–52 extends between the Des Moines, IA, VORTAC and the Pocket City, IN, VORTAC. The airway segment overlying the Quincy VORTAC between the Ottumwa, IA, VOR/DME and the St Louis, MO, VORTAC is removed. As amended, the airway extends between the Des Moines VORTAC and the Ottumwa VOR/DME and between the St Louis VORTAC and the Pocket City VORTAC.

V–63: V–63 extends between the Razorback, AR, VORTAC and the Davenport, IA, VORTAC; between the Janesville, WI, VOR/DME and the Oshkosh, WI, VORTAC; and between the Rhinelander, WI, VOR/DME and the Houghton, MI, VOR/DME. The airspace at and above 10,000 feet mean sea level (MSL) from 5 nautical miles (NM) north to 46 NM north of Quincy, IL, is excluded when the Howard West Military Operations Area (MOA) is active. The airway segment overlying the Quincy VORTAC between the Hallsville, MO, VORTAC and the Burlington, IL, VOR/DME is removed. The airspace exclusion language addressing the Howard West MOA activations is also removed as the amended airway no longer overlaps the Howard West MOA. As amended, the airway extends between the Razorback VORTAC and the Hallsville VORTAC, between the Burlington VOR/DME and the Davenport VORTAC, between the Janesville VOR/DME and the Oshkosh VORTAC, and between the Rhinelander VOR/DME and the Houghton VOR/DME.

V–582: V–582 extends between the St. Louis, MO, VORTAC and the Quincy, IL, VORTAC. The airway is removed in its entirety.

V–586: V–586 extends between the Quincy, IL, VORTAC and the Joliet, IL, VOR/DME. The airway segment overlying the Quincy VORTAC between the Quincy, IL, VORTAC and the Peoria, IL, VORTAC is removed. As amended, the airway extends between the Peoria VORTAC and the Joliet VOR/DME.

The NAVAID radials listed in the VOR Federal airway V–52 description below are unchanged and stated in degrees True north.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending VOR Federal airways V–50, V–52, V–63, and V–586, and revoking VOR Federal airway V–582, due to the planned decommissioning of the VOR portion of the Quincy, IL, VORTAC NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal airways.

* * * * *

V–50 [Amended]

From St Joseph, MO; to Kirksville, MO. From Spinner, IL; Adders, IL; Terre Haute, IN; Brickyard, IN; to Dayton, OH.

* * * * *

V–52 [Amended]

From Des Moines, IA; to Ottumwa, IA. From St Louis, MO; Troy, IL; INT Troy 099° and Pocket City, IN, 311° radials; to Pocket City.

* * * * *

V–63 [Amended]

From Razorback, AR; Springfield, MO; to Hallsville, MO. From Burlington, IA; Moline, IL; to Davenport, IA. From Janesville, WI; Badger, WI; to Oshkosh, WI. From Rhinelander, WI; to Houghton, MI.

* * * * *

V–582 [Removed]

* * * * *

V–586 [Amended]

From Peoria, IL; Pontiac, IL; to Joliet, IL.

* * * * *

Issued in Washington, DC, on March 20, 2023.

Brian Konie,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–06103 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1505; Airspace Docket No. 22–ASO–26]

RIN 2120–AA66

Establishment of Class E Airspace, and Amendment of Class E Airspace; Dallas, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E surface airspace for Paulding Northwest Atlanta Airport (new name), Dallas, GA, as the airport now qualifies for surface airspace, and amends Class E airspace extending upward from 700 feet above the surface by increasing the airport radius and updating the airport's name.

DATES: Effective 0901 UTC, June 15, 2023. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it establishes and amends airspace in Dallas, GA, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2022–1505 in the **Federal Register** (87 FR 74332, December 5, 2022), to establish Class E surface airspace for Paulding Northwest Atlanta Airport, Dallas, GA, to accommodate aircraft landing and departing this airport, as well as amending Class E airspace extending upward from 700 feet above the surface to accommodate RNAV GPS standard instrument approach procedures (SIAPs) serving this airport.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in Paragraphs 6002 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by establishing Class E airspace surface airspace for Paulding Northwest Atlanta Airport (formerly Paulding County Regional Airport), Dallas, GA, as the airport now qualifies for surface airspace, and amends Class E airspace extending upward from 700 feet above the surface by increasing the airport radius from 6.5-miles to 7.0-miles and updating the airport's name. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Airspace.

* * * * *

ASO GA E2 Dallas, GA [Established]

Paulding Northwest Atlanta Airport, GA (Lat 33°54′43″ N, long. 84°56′26″ W)

That airspace extending upward from the surface within a 4.5-mile radius of the Paulding Northwest Atlanta Airport

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

* * * * *

ASO GA E5 Dallas, GA [Amended]

Paulding Northwest Atlanta Airport, GA (Lat 33°54′43″ N, long. 84°56′26″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Paulding Northwest Atlanta Airport.

Issued in College Park, Georgia, on March 17, 2023.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2023–05973 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

Staffing Related Relief Concerning Operations at Ronald Reagan Washington National Airport, John F. Kennedy International Airport, LaGuardia Airport, and Newark Liberty International Airport, May 15, 2023, Through September 15, 2023

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

ACTION: Limited waiver of the slot usage requirement.

SUMMARY: This action announces a limited, conditional waiver of the minimum usage requirement that applies to Operating Authorizations or ''slots'' at John F. Kennedy International Airport (JFK), New York LaGuardia Airport (LGA), and Ronald Reagan Washington National Airport (DCA) due to post-pandemic effects on Air Traffic Controller (ATC) staffing at the New York Terminal Radar Approach Control (TRACON) facility (N90). Carriers will be permitted to voluntarily turn in up to 10 percent of their slots held at JFK and LGA as well as impacted slots at DCA for the period from May 15, 2023, through September 15, 2023, subject to the conditions and limitations in this document. In addition, this action announces a limited policy for prioritizing returned operations at Newark Liberty International Airport

(EWR) due to post-pandemic effects on ATC staffing at N90 for purposes of establishing a carrier's operational baseline in the next corresponding season. Carriers will be permitted to voluntarily turn in up to 10 percent of their approved operating timings at EWR for the period from May 15, 2023, through September 15, 2023, subject to the conditions and limitations in this document. Carriers seeking to take advantage of this relief must identify the slots and approved operating timings they wish to turn in before April 30, 2023. This relief is being provided to give carriers the ability to reduce operations during the peak summer travel period, which are likely to be exacerbated by the effects of Air Traffic Controller (ATC) staffing shortfalls.

DATES: This action is effective March 27, 2023.

ADDRESSES: Requests may be submitted by mail to the Slot Administration Office, System Operations Services, AJR–0, Room 300W, 800 Independence Avenue SW, Washington, DC 20591, or by email to: *7-awa-slotadmin@faa.gov.*

FOR FURTHER INFORMATION CONTACT: For questions concerning this notice contact: Al Meilus, Slot Administration and Capacity Analysis, FAA ATO System Operations Services, AJR–G5, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–2822; email *al.meilus@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The New York Terminal Radar Approach Control facility (N90) provides ATC services to overhead flights in the North East corridor and to the New York airports—JFK, LGA, and EWR. The airspace complexity resulting from the close proximity of the major commercial airports serving the New York City region is a significant contributing factor to delays at JFK, LGA, and EWR. Against this already challenging backdrop, according to FAA data, nationwide Certified Professional Controller (CPC) staffing averages 81 percent while N90 is maintained at about 54 percent of its CPC staffing target. FAA acknowledges that temporary safety mitigations put in place in response to the COVID–19 pandemic impacted controller training. Dedicated training initiatives have been successful in reducing most of the training backlog with the exception of N90. The staffing shortfalls at N90 limit the FAA's ability to provide expeditious services to aircraft operators and their passengers that traverse this airspace.

During the period of May 2022 through September 2022, the total number of instances of delay to operations from JFK, LGA, and EWR totaled 41,498, with effects throughout the NAS and for which staffing was a contributing factor. Notwithstanding FAA's efforts to address N90 CPC staffing, the staffing rate for N90 has not improved and at the same time early carrier schedules indicate an increase in operations. This being the case, for summer 2023 the FAA expects increased delays in the New York region over summer 2022. Specifically, ATO modeling indicates operations at the New York airports is projected to increase by seven (7) percent, which FAA projects will result in overall delays increasing by 45 percent.[1] These projections are consistent with the 50 percent increase in the number of ground delay programs (GDPs) observed in January and February 2023 compared to the same months in 2022 at the same airports.[2] The FAA is progressing towards a solution to the N90 staffing issues, based on moving responsibility for the Newark, New Jersey radar sector from N90 to the Philadelphia TRACON (PHL). Training for this sector move is slated to begin in September of this year and will take time to complete for cutover of responsibilities to PHL. Accordingly, this solution will not resolve the anticipated operational impacts in the summer 2023 scheduling season.

Standard

At JFK and LGA, each slot must be used at least 80 percent of the time.[3] Slots not meeting the minimum usage requirements will be withdrawn. The FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition that is beyond the control of the slot-holding air carrier and which affects carrier operations for a period of five consecutive days or more.[4]

At DCA, any slot not used at least 80 percent of the time over a two-month period will also be recalled by the FAA.[5] The FAA may waive this minimum usage requirement in the event of a highly unusual and unpredictable condition that is beyond the control of the slot-holding carrier and which exists for a period of nine or more days.[6]

When deciding historical rights to allocated slots, including whether to grant a waiver of the usage requirement, the FAA seeks to ensure the efficient use of valuable aviation infrastructure and maximize the benefits to both airport users and the traveling public. This minimum usage requirement is expected to accommodate routine cancellations under all but the most unusual circumstances. Carriers proceed at risk if they decide slot usage in anticipation of the FAA granting a slot usage waiver.

Analysis

Due to the amount of connecting flights in the New York region as well as the interdependency and complexity of the airspace surrounding EWR, JFK and LGA, delays caused by N90 staffing shortfalls could have significant impacts in the upcoming Summer traffic season. Absent increased flexibility, there exists a high probability congestion and delay at JFK, LGA, and EWR during significant NAS impact days (*e.g.,* holiday travel spike, adverse weather) could be exacerbated by N90 staffing shortfalls.

Typically, cancellations due to ATC staffing delays are accounted for by the 20 percent non-utilization allowed under the minimum usage requirement; however, due to the extent of N90 staffing shortfalls and the increase in scheduled operations, the effects of N90 staffing shortfalls are a highly unusual and unpredictable condition beyond the control of carriers that will impact operations through the summer 2023 scheduling season. A waiver of minimum slot usage requirements at JFK and LGA, and a similar policy of prioritizing returned operations at EWR, is necessary to allow carriers to reduce operations to enable scheduling and operational stability during significant NAS impact days through the summer

[1] ASV studies are conducted by the Slot Administration and Capacity Analysis Group (AJR–G5) at the FAA's William J. Hughes Technical Center. ASV analysis considers multiple runway configurations, weighted by the frequency of occurrence, and utilizes an estimation of weather conditions for each configuration in its calculation. The resulting demand-delay curve can be used to estimate the average delay that results at a given level of demand.

[2] Aviation System Performance Metrics (ASPM): Key Advisories: GDP & GS Report. ASPM data can be viewed on the FAA Operations & Performance Data website (*http://aspm.faa.gov/*).

[3] Operating Limitations at John F. Kennedy International Airport, 87 FR 65161(Oct. 28, 2022); Operating Limitations at New York LaGuardia Airport, 87 FR 65159 (Oct. 28, 2022).

[4] At JFK, historical rights to operating authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season. *See* JFK Order, 87 FR at 65163. At LGA, any operating authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA. *See* LGA Order, 87 FR at 65160.

[5] *See* 14 CFR 93.227(a).

[6] *See* 14 CFR 93.227(j).

2023 season. A reduction in the operational volume at the New York airports would also aid in reducing the severity of significant NAS impact days.

In addition, because New York-DCA is a high frequency market for multiple carriers, the FAA recognizes this market is a likely target for carriers to consolidate flights while retaining their network connectivity. If carriers choose to reduce their schedules in the New York-DCA market, the FAA encourages carriers to utilize their DCA slots to operate to other destinations, to the extent that is practical. However, if carriers are unable to utilize their DCA slots elsewhere, it would be necessary to provide relief to DCA slots that are impacted by the reduction in operations at the New York airports.

Finally, carriers should be aware that the N90 staffing shortfalls will not form a sufficient basis for relief going forward because carriers will have had sufficient opportunity to plan and take remedial action under this waiver policy. The FAA does not foresee providing additional *post-hoc* relief associated with ATC staffing given the extraordinary relief provided here. Given this relief, operational impacts associated with N90 staffing during the summer 2023 scheduling season will not have been beyond the carriers control and will not serve as a valid basis for a waiver.

Decision

The FAA has determined the post-pandemic effects on N90 staffing meets the applicable waiver standards and warrants a limited waiver of minimum slot usage requirements at JFK and LGA to allow carriers to return up to 10 percent of their slots at each airport voluntarily as well as impacted operations between DCA and the New York airports. In addition, the FAA has determined the post-pandemic effects on N90 staffing warrants a limited policy for prioritizing returned operations at EWR to allow carriers to return 10 percent of their approved operating timings voluntarily, for purposes of establishing a carrier's operational baseline in the next corresponding season. Carriers wishing to return their slots and approved operating timings voluntarily must do so before April 30, 2023 to be eligible for this waiver. If carriers participating in this limited waiver at EWR subsequently operate unapproved flights at that airport, those carriers will forfeit their scheduling preference to an equal number of returned approved operating timings chosen at the FAA's discretion for the subsequent equivalent traffic season. Additionally, any other relief from minimum slot usage requirements or standard level 2 processes already in effect at JFK, LGA, or EWR will factor into the 10 percent of allowable returns. In other words, any returns made under a relief policy already in effect when this notice is published will count towards the carrier's 10 percent of allowable returns. Further, the FAA encourages carriers to up-gauge aircraft serving the affected airports to the extent possible to maintain passenger throughput and minimally impact consumers.

The FAA will not reallocate the returned slots or approved operating timings at JFK, LGA, or EWR, as the goal is to reduce the volume of operations in the New York region. Carriers are encouraged to utilize their DCA slots in other markets before returning them to the FAA. In the event DCA slots are returned under this waiver, other carriers will have an opportunity to operate the slots on an *ad hoc* basis without historic precedence to serve markets other than New York.

The FAA will treat as used the specific slots returned in accordance with the conditions in this document for the period from May 15, 2023, through September 15, 2023. The relief is subject to the following conditions:

1. The specific slots and approved operating timings must be returned to the FAA before April 30, 2023.

2. This waiver applies only to slots that have corresponding, scheduled operations during the period of the grant. A carrier temporarily returning a slot to FAA for relief under this waiver must identify corresponding scheduled operation. FAA may validate information against published schedule data as of March 14, 2023, and other operational data maintained by FAA. Slots returned without an associated scheduled and cancelled operation will not receive relief.

3. Slots or approved operating timings newly allocated for initial use before October 28, 2023, are not eligible for relief.

4. Slots authorized at DCA by Department of Transportation or FAA exemptions are not eligible for relief.

Issued in Washington, DC, on March 22, 2023.

Marc A. Nichols,

Chief Counsel.

Alyce Hood-Fleming,

Vice President, System Operations Services.

[FR Doc. 2023–06313 Filed 3–22–23; 4:15 pm]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 1

Procedures for Oversight of the Horseracing Integrity and Safety Authority's Annual Budget

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''Commission'') is issuing rules pursuant to the Horseracing Integrity and Safety Act (''Act'') to provide procedures for the Commission's oversight of the annual budget of the Horseracing Integrity and Safety Authority (''Authority'').

DATES: This rule is effective on March 27, 2023.

FOR FURTHER INFORMATION CONTACT: John H. Seesel (202–326–2702), Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Horseracing Integrity & Safety Act,[1] enacted on December 27, 2020, and amended on December 29, 2022, directs the Federal Trade Commission to oversee the activities of a private, self-regulatory organization called the Horseracing Integrity and Safety Authority.

The Act, in subsection 15 U.S.C. 3052(f), sets forth certain requirements for the Authority's budget. On the revenue side, as for initial funding, the Authority is to obtain loans,[2] and generally it ''may borrow funds toward the funding of its operations.'' [3] After the program effective date of July 1, 2022, the Authority performs an annual calculation of the ''amount required'' from each State in which covered horseracing takes place, which estimates the amount required from each State ''to fund the State's proportionate share of the horseracing anti-doping and medication control program and the racetrack safety program for the next calendar year'' and ''to liquidate the State's proportionate share of any loan or funding shortfall.'' [4] The amount required by each State is calculated under the Assessment Methodology rule [5] and must be ''based on,'' among

[1] 15 U.S.C. 3051 through 3060.

[2] *See* 15 U.S.C. 3052(f)(1)(A).

[3] *Id.* 3052(f)(1)(B).

[4] *Id.* 3052(f)(1)(C)(i).

[5] The Assessment Methodology proposed rule was published in the **Federal Register** and approved by the Commission after a period of public comment. *See* Fed. Trade Comm'n, Notice of HISA Assessment Methodology Proposed Rule, 87 FR 9349 (Feb. 28, 2022), *https://www.federalregister.gov/documents/2022/02/18/2022-03717/hisa-assessment-methodology-rule* (containing the

other things, ''the annual budget of the Authority for the following calendar year.'' [6]

On the expenditure side of the budget, the Act provides that the ''initial budget'' requires approval by a two-thirds supermajority of the Authority's Board of Directors, as does any ''subsequent budget that exceeds the budget of the preceding calendar year by more than 5 percent.'' [7] The Act has two more relevant provisions: ''A proposed increase in the amount required under this subparagraph''—in other words, the Authority's budget—''shall be reported to the Commission.'' [8] And: ''The Commission shall publish in the **Federal Register** such a proposed increase and provide an opportunity for public comment.'' [9]

The Act does not specify whether the Authority's proposed budget takes effect upon the closing of the public-comment period or whether the Commission is to consider the public comments and then decide whether to approve or disapprove the Authority's proposed budget. On the one hand, the Authority's budget is not listed among the eleven enumerated items in 15 U.S.C. 3053(a) that ''shall not take effect unless . . . approved by the Commission.'' [10] On the other hand, what the Authority submits (in the event of an increase in the amount required) is a ''*proposed* increase,'' which implies that a Commission decision to approve or disapprove the proposal will follow.[11] Although the Act does not identify criteria by which the Commission should evaluate the Authority's proposed budget, in December 2022 Congress conferred on the Commission the power to issue rules ''as the Commission finds necessary or appropriate to ensure the fair administration of the Authority . . . or otherwise in furtherance of the purposes of this Act.'' [12]

The Commission hereby exercises this newly granted rulemaking authority to clarify the Commission's role in approving and overseeing the Authority's budget, as well as the public's role in providing comment, and to set forth clear requirements as to the Authority's budget. Specifically, the Commission adds a new subpart U to part 1 of its Rules of Practice, to provide procedures for the Commission's oversight of the Authority's budget.[13]

I. Section 1.150—Authority's Proposed Budget Submissions

Section 1.150 provides for the Authority's proposed annual budget to use the calendar year as its fiscal year and to be submitted to the Commission by September 1 of the preceding year. The submission of the proposed budget is required regardless of whether the Authority's budget contains a ''proposed increase in the amount required'' as compared to the previous year.[14] The Commission believes that its oversight of the Authority's budget is best performed consistently rather than only when the amount required increases. In short, annual rather than less-frequent budget oversight is a baseline requirement ''to ensure the fair administration of the Authority.'' [15] The Authority's submission must contain: an indication of the vote of its Board of Directors; sufficient revenue and expenditure information, broken out by line item, as would be required for members of the Board of Directors to exercise their fiduciary duty of care; and a comparison of the current year's actual revenues and expenditures with those that were approved. The submission should address the Commission's budget approval decision criteria: that the proposed budget serves the goals of the Horseracing Integrity and Safety Act in a prudent and cost-effective manner, utilizing commercially reasonable terms with all outside vendors, and that its anticipated revenues are sufficient to meet its anticipated expenditures. If the Commission determines that the proposed budget as submitted satisfies the requirements, the Commission will publish the proposed budget in the **Federal Register** for 14 days of public comment.

In addition, and notwithstanding the September 1 deadline for submission of the Authority's next year's budget to the Commission, § 1.150 requires the Authority to post its anticipated budget for the following year as early as is practicable in the preceding year. The Authority's posting of its planned next year's budget shall include an invitation to the public to submit comments to the Authority concerning any aspect of the planned annual budget. The Authority is required to post those public comments as they arrive on its website and to review the comments in order to ascertain whether to revise the budget in any manner. Further, § 1.150 requires the Authority to promptly provide the public comments that it receives to the Commission, together with an assessment of such public comments that the Authority believes would assist the Commission's evaluation of the planned budget.

II. Section 1.151—Commission Decision on Authority's Proposed Budget

Section 1.151 provides that the Authority's proposed budget takes effect only if approved by the Commission. This provision mirrors others in the Act that require proposals made by the Authority, such as for rules and rule modifications, to receive Commission approval before they take effect. For ease of administration and to account for the time the Commission may take to render a decision on the proposed budget, the Authority is permitted to conditionally collect fees, and State racing commissions (and covered persons in States that do not elect to remit fees) are permitted to pay, based on the annual budget as approved by the Authority's Board of Directors.

The criteria by which the Commission will decide whether to approve or disapprove the Authority's proposed budget are in § 1.151(c), which provides that the Commission will approve the proposed budget if the Commission determines, on balance, the proposed budget serves the goals of the Act in a prudent and cost-effective manner, utilizing commercially reasonable terms with all outside vendors, and anticipated revenues are sufficient to meet its anticipated expenditures. With respect to revenues and expenditures, the Commission may also modify any line item. The Commission will publish the Authority's proposed budget in the **Federal Register** for 14 days of public

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text of the Assessment Methodology proposed rule as submitted by the Authority); Fed. Trade Comm'n, Order Approving the Assessment Methodology Rule Proposed by the Horseracing Integrity & Safety Auth., at 1 (Apr. 1, 2022), available at *https://www.ftc.gov/system/files/ftc_gov/pdf/Order%20re%20HISA%20Assessment%20Methodology.pdf.* The Authority later submitted a proposed rule modification to Assessment Methodology, which was also published in the **Federal Register** and approved by the Commission after a period of public comment. *See* Fed. Trade Comm'n, Notice of HISA Assessment Methodology Proposed Rule Modification, 87 FR 67915 (Nov. 10, 2022), *https://www.federalregister.gov/documents/2022/11/10/2022-24609/hisa-assessment-methodology-rule-modification;* Fed. Trade Comm'n, Order Approving the Assessment Methodology Rule Modification Proposed by the Horseracing Integrity & Safety Auth., at 1 (Jan. 9, 2023), available at *https://www.ftc.gov/system/files/ftc_gov/pdf/order_re_hisa_assessment_methodology_modification_not_signed_002_0.pdf.*

[6] 15 U.S.C. 3052(f)(1)(C)(ii)(I)(aa).

[7] *Id.* 3052(f)(1)(C)(iii)(I), (II). Implicitly, subsequent budgets that do not exceed by more than 5 percent the budget of the preceding calendar year require only a simple majority of the Authority's Board of Directors.

[8] *Id.* 3052(f)(1)(C)(iv)(I).

[9] *Id.* 3052(f)(1)(C)(iv)(II).

[10] *Id.* 3053(b)(2).

[11] *Id.* 3052(f)(1)(C)(iv)(I), (II) (emphasis added).

[12] Consolidated Appropriations Act, 2023, H.R. 2617, 117th Cong., Division O, Title VII (2022) (to be codified at 15 U.S.C. 3053(e)).

[13] In addition, the Commission intends in the near future to engage in further rulemaking prescribing oversight of non-budgetary aspects of the Authority's operations.

[14] 15 U.S.C. 3052(f)(1)(C)(iv).

[15] *Id.* 3053(e).

comment. Public comments are welcomed as to both whether the submission satisfies the Commission's decisional criteria and whether the Commission should modify any line items.

III. Section 1.152—Deviation From Approved Budget

Section 1.152 sets forth what happens in circumstances in which actual revenues or expenditures deviate from those approved in the annual budget. When the Authority determines that, for a given expenditure's line item, the actual expenditure is likely to exceed the approved expenditure by more than 10 percent, it must immediately notify the Commission. Such a notice must indicate whether the Authority proposes to repurpose money from the line item of another expenditure to make up the difference for the expenditure whose likely actual amount will exceed the approved amount. So, too, when the Authority determines that its overall expenditures will exceed its approved expenditures, it must immediately notify the Commission. Such a notice must indicate the means by which the Authority intends to make up the difference, such as obtaining loans. For both overall-expenditure and line-item deviations, the Commission retains the right to disapprove the proposed repurposing or means of making up the difference, which it must do within seven business days of receiving the Authority's notice. If the Commission takes no action, the Authority's proposal takes effect as an amendment to its budget.

Because these rules relate solely to agency procedure and practice, publication for notice and comment is not required under the Administrative Procedure Act. 5 U.S.C. 553(b).[16]

List of Subjects in 16 CFR Part 1

Administrative practice and procedure.

For the reasons set forth in the preamble, the Federal Trade Commission amends title 16, chapter I, subchapter A of the Code of Federal Regulations as follows:

PART 1—GENERAL PROCEDURES

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

Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 552; 5 U.S.C. 601 note.

[16] For this reason, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2), 604(a), are also inapplicable. Likewise, the amendments do not modify any FTC collections of information within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501 through 3521.

■ 2. Add subpart U to read as follows:

Subpart U—Procedures for Oversight of the Horseracing Integrity and Safety Authority's Annual Budget

Sec.

§ 1.150 Authority's proposed budget submissions.

(a) *Mandatory annual submission.* The Authority must submit a proposed annual budget to the Commission every year, irrespective of whether there is a ''proposed increase in the amount required'' under 15 U.S.C. 3052(f)(1)(C)(iv). The submission of the proposed budget for the following year must be made by September 1 of the current year, following the procedures set forth in § 1.143. The Authority's annual budget will use the calendar year as its fiscal year.

(b) *Public comments.* In addition to submitting its planned budget to the Commission by September 1 of the preceding year, the Authority shall post such planned budget on its own website as early as is practicable, with an invitation to the public to submit comments to the Authority on any aspect of the planned next year's budget. The Authority shall post such comments on its website upon their arrival and shall review them to ascertain whether to revise the budget in any manner. In addition, the Authority shall promptly forward to the Commission:

(1) Any such public comments that it receives; and

(2) An assessment of such public comments that it believes would assist the Commission's evaluation of the Authority's planned budget.

(c) *Contents of submission*—(1) *Indication of Board vote.* The Authority's proposed budget must be approved by a majority of its Board of Directors (or, in the case of its initial budget or a budget that exceeds the preceding year's budget by 5 percent or more, a two-thirds supermajority) and must state the Board vote on the motion to approve the budget.

(2) *Revenue information.* The proposed budget must identify both the estimated amount required from each State racing commission as calculated under 15 U.S.C. 3052(f) and all other sources of Authority revenue as well as any loans proposed to be obtained by the Authority.

(3) *Expenditure information.* The proposed budget must identify expenditures separately for:

(i) The racetrack safety program;

(ii) The anti-doping and medication control program;

(iii) All other programmatic expenditures other than for racetrack safety and anti-doping and medication control, such as the administration of the Authority or its technological needs;

(iv) Repayment of any loans; and

(v) Any funding shortfall incurred.

(4) *Line items.* For both revenue and expenditure information, the Authority's proposed budget must provide sufficient information, by line item, as would be required for members of the Authority's Board of Directors to exercise their fiduciary duty of care. For example, the proposed budget's expenditure information for anti-doping and medication control might include separate line items for in-house salaries, the costs of testing of laboratory samples, the costs of arbitrators, and all the costs associated with contracting with an anti-doping and medication control enforcement agency. The proposed budget must include a narrative component that provides a brief explanation of each line item's utility in carrying out the purposes of the Horseracing Integrity and Safety Act.

(5) *Comparison of approved budget to actual revenues and expenditures.* The proposed budget must provide a comparison showing, for each approved line item, the actual revenues and expenditures for the current year along with a narrative component explaining why any line item is anticipated to deviate by 10 percent or more during the current year.

(d) *Approval and publication of submission.* The Commission will publish the Authority's proposed budget in the **Federal Register** if the Commission determines that the proposed budget contains sufficient information for the members of the Board of Directors of the Authority to exercise their fiduciary duty of care and meets the requirements of this subpart. Members of the public will then have 14 days in which to file comments on the proposed budget.

§ 1.151 Commission's decision on Authority's proposed budget.

(a) *Commission approval required.* The Authority's proposed budget takes effect only if approved by the Commission. The Commission will approve or disapprove the proposed budget after considering the public comments filed and the Commission's internal review per the submission requirements in § 1.150. The

Commission will vote on the Authority's proposed budget no later than November 1.

(b) *Conditional collection of fees allowed.* The notice required to be sent to State racing commissions estimating the amount required from each State for the subsequent year must state that the amount required is based on the proposed annual budget, as approved by the Board of Directors, which takes effect only if approved by the Commission. The State racing commissions (or covered persons in States that do not elect to remit fees) may nevertheless elect to remit fees, and the Authority may conditionally collect them, even before the Commission approves the proposed budget. If the Commission makes any modifications to line items under paragraph (d) of this section that have the net effect of reducing the budget, the Authority must refund any State racing commission or covered person that has conditionally paid by the proportionate amount owed within 30 days. If the Commission makes any modifications to line items under paragraph (d) of this section that have the net effect of increasing the budget, the Authority may obtain loans to make up the difference or may account for the difference as a funding shortfall incurred in the subsequent year's proposed budget.

(c) *Decisional criteria.* The Commission will approve the proposed budget if the Commission determines that, on balance, the proposed budget serves the goals of the Horseracing Integrity and Safety Act in a prudent and cost-effective manner, utilizing commercially reasonable terms with all outside vendors, and that its anticipated revenues are sufficient to meet its anticipated expenditures.

(d) *Modification of line items.* In its decision on the proposed budget, the Commission may modify the amount of any line item.

(e) *Public comments.* Public comments on the Authority's proposed budget should provide commenters' views as to the decisional criteria and whether any line items should be modified.

§ 1.152 Deviation from approved budget.

(a) *When notice to the Commission is required.* The Authority may deviate from the approved budget's expenditure information in a year as to any line item by up to 10 percent in a year. If the Authority determines that it is likely to expend more than the approved expenditure of any line item by 10 percent or more, or if it will exceed its approved total expenditure by any amount, it must notify the Commission immediately upon such a determination.

(b) *Line-item deviations of more than 10 percent.* If the Authority determines that it is likely to expend more than the approved expenditure of any line item by 10 percent or more, its notice to the Commission must indicate whether it intends to repurpose funds from one or more different line items to cover the increased expenditure. The Commission retains the discretion to disapprove such a proposed repurposing. The Commission must issue any decision to disapprove a proposed repurposing within 7 business days of receiving notice of the Authority's proposal to repurpose funds from another line item. If the Commission takes no action, the Authority's proposal takes effect as an amendment to its approved budget.

(c) *Total expenditure deviation.* If the Authority determines that it is likely to expend more than the total approved expenditure, its notice to the Commission must indicate by what means it proposes to cover the difference. The Commission retains the discretion to disapprove the proposed means of covering the difference. The Commission must issue any decision to disapprove a proposed means of covering the difference within 7 business days of receiving notice of the Authority's proposal to cover the difference. If the Commission takes no action, the Authority's proposal takes effect as an amendment to its approved budget.

By direction of the Commission, Commissioner Wilson not participating.

April J. Tabor,

Secretary.

[FR Doc. 2023–06023 Filed 3–24–23; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

[Docket No. FDA–2023–N–0986]

Change of Address; Technical Amendment

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is amending its regulations to update the address, email address, and office name for the Office of Policy, Legislation, and International Affairs, Office of Global Policy and Strategy. This technical amendment is to ensure accuracy and clarity in the Agency's regulations and is nonsubstantive.

DATES: This rule is effective March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Jeff Nelligan, Office of Global Policy and Strategy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 3438, Silver Spring, MD 20993, 301–796–8814, *Jeff.Nelligan@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending 21 CFR part 312 to update the name of an office, its physical address, and instructions for sending certifications via email. Publication of this document constitutes final action on the changes under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment to the regulations provides only technical changes to update organizational information.

List of Subjects in 21 CFR Part 312

Drugs, Exports, Imports, Investigations, Labeling, Medical research, Reporting and recordkeeping requirements, Safety.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 312 is amended as follows:

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

■ 1. The authority citation for part 312 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360bbb, 371; 42 U.S.C. 262.

■ 2. In § 312.110, revise paragraph (b)(4) introductory text to read as follows:

§ 312.110 Import and export requirements.

* * * * *

(b) * * *

(4) Except as provided in paragraph (b)(5) of this section, the person exporting the drug sends an email certification to the Office of Global Policy and Strategy at *OGPSExecSec@fda.hhs.gov,* or a written certification to the Office of Global Policy and Strategy (HFG–1), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 3420, Silver Spring, MD 20993, at the time the drug is first exported and maintains records documenting compliance with this paragraph (b)(4). The certification shall

describe the drug that is to be exported (*i.e.,* trade name (if any), generic name, and dosage form), identify the country or countries to which the drug is to be exported, and affirm that:

* * * * *

Dated: March 21, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06260 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 548

Belarus Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adopting a final rule amending and reissuing the Belarus Sanctions Regulations to implement an August 9, 2021 Belarus-related Executive order and incorporate a directive regarding sovereign debt issued pursuant to the August 9, 2021 Belarus-related Executive order. This rule also updates and adds new definitions, updates and adds general licenses, and updates interpretative guidance, among other changes.

DATES: This rule is effective March 27, 2023.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document and additional information concerning OFAC are available on OFAC's website: *www.treas.gov/ofac.*

Background

On February 3, 2010, OFAC issued the Belarus Sanctions Regulations, 31 CFR part 548 (75 FR 5502, February 3, 2010) (the ''Regulations''), to implement Executive Order (E.O.) 13405 of June 16, 2006, ''Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus'' (71 FR 35485, June 20, 2006), pursuant to authorities delegated to the Secretary of the Treasury in E.O. 13405. OFAC subsequently amended the Regulations twice. OFAC is amending and reissuing the Regulations to implement E.O. 14038 of August 9, 2021, ''Blocking Property of Additional Persons Contributing to the Situation in Belarus'' (86 FR 43905, August 11, 2021). In addition, this rule incorporates one directive issued pursuant to E.O. 14038. Due to the number of regulatory sections being updated or added, OFAC is reissuing the Regulations in their entirety.

E.O. 14038. On August 9, 2021, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), issued E.O. 14038. In E.O. 14038, the President expanded the scope of the national emergency declared in E.O. 13405, finding that the Belarusian regime's harmful activities and long-standing abuses aimed at suppressing democracy and the exercise of human rights and fundamental freedoms in Belarus—including illicit and oppressive activities stemming from the August 9, 2020, fraudulent Belarusian presidential election and its aftermath, such as the elimination of political opposition and civil society organizations and the regime's disruption and endangering of international civil air travel—constituted an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 1 of E.O. 14038 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State to: (i) be or have been a leader, official, senior executive officer, or member of the board of directors of: (A) an entity that has, or whose members have, engaged in any of the activities described in section 1(a)(v) of E.O. 14038 or sections 1(a)(ii)(A)–(C) of E.O. 13405; or (B) an entity whose property and interests in property are blocked pursuant to E.O. 14038 or E.O. 13405; (ii) be a political subdivision, agency, or instrumentality of the Government of Belarus; (iii) be or have been a leader or official of the Government of Belarus; (iv) operate or have operated in the defense and related materiel sector, security sector, energy sector, potassium chloride (potash) sector, tobacco products sector, construction sector, or transportation sector of the economy of Belarus, or any other sector of the Belarus economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of the State; (v) be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following: (A) actions or policies that threaten the peace, security, stability or territorial integrity of Belarus; (B) actions or policies that prohibit, limit, or penalize the exercise of human rights and fundamental freedoms (including freedoms of expression, peaceful assembly, association, religion or belief, and movement) by individuals in Belarus, or that limit access to the internet or print, online, or broadcast media in Belarus; (C) electoral fraud or other actions or policies that undermined the electoral process in a Republic of Belarus election; (D) deceptive or structured transactions or dealings to circumvent any United States sanctions by or for or on behalf of, or for the benefit of, directly or indirectly, the Government of Belarus or any person whose property and interests in property are blocked pursuant to E.O. 14038 or E.O. 13405; or (E) public corruption related to Belarus; (vi) have materially assisted, sponsored, or provided financial material, or technological support for, or goods or services to or in support of, any activity described in section (a)(v) of E.O. 14038 or any person whose property and interests in property are blocked pursuant to E.O. 14038; or (vii) be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, the Government of Belarus or any person whose property and interests in property are blocked pursuant to E.O. 14038. The property and interests in property of the persons described above may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

Section 2 of E.O. 14038 provides that the prohibitions on any transaction or dealing in blocked property or interests in property include the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to E.O. 14038, and the receipt of any contribution or provision of funds, goods, or services from any such person.

In section 3 of E.O. 14038, the President determined that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to E.O. 14038 would seriously impair the President's ability to deal with the national emergency declared in

E.O. 13405 and expanded in E.O. 14038. The President therefore prohibited the donation of such items except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued.

Directive 1 issued pursuant to E.O. 14038. Section 1(a)(ii) of E.O. 14038 blocks all property and interests in property of any person determined by the Secretary of the Treasury, in consultation with the Secretary of the State, to be a political subdivision, agency, or instrumentality of the Government of Belarus. Pursuant to this provision, on December 2, 2021, the Acting Director of OFAC, in consultation with the Secretary of the State, issued Directive 1 and determined that the Ministry of Finance of the Republic of Belarus and the Development Bank of the Republic of Belarus are political subdivisions, agencies, or instrumentalities of the Government of Belarus, and prohibited the following activities by U.S. persons or within the United States: all transactions in, provision of financing for, and other dealings in new debt with a maturity of greater than 90 days issued on or after December 2, 2021 by the Ministry of Finance of the Republic of Belarus or the Development Bank of the Republic of Belarus. Additionally, Directive 1 prohibits: (1) any transaction that evades or avoids, or has the purposes of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions contained in Directive 1; and (2) any conspiracy formed to violate any prohibitions of Directive 1.

Current Regulatory Action

OFAC is amending and reissuing the Regulations to incorporate and implement E.O. 14038 and make updates throughout the Regulations. In particular, in subpart B of the Regulations, OFAC is incorporating the new designation criteria provided in E.O. 14038 as well as Directive 1 to E.O. 14038.

In subpart C of the Regulations, OFAC is updating existing definitions and adding eleven new definitions for key terms used in E.O. 14038, Directive 1 pursuant to E.O. 14038, and throughout the Regulations. In addition, OFAC is alphabetizing and renumbering the definitions in subpart C.

In subpart D of the Regulations, OFAC is updating § 548.405 to conform with current OFAC interpretations and guidance regarding prohibitions related to the provision and receipt of services. In subpart E of the Regulations, OFAC is updating § 548.502 to conform with current OFAC statements of licensing policy, updating § 548.507 to remove the requirement that payment for legal services be specifically licensed, and renumbering the general licenses at §§ 548.508 through 548.512 as §§ 548.509 through 548.513. OFAC is adding new § 548.508, which authorizes payment for legal services from funds originating outside the United States. OFAC is updating the renumbered § 548.509 to remove the requirement that payment for emergency medical services be specifically licensed. OFAC is also adding § 548.514 to incorporate Belarus General License 3, which authorizes certain transactions with the State Security Committee of the Republic of Belarus and was previously issued on OFAC's website on June 21, 2021 and will be removed upon publication of this rule.

In subpart G of the Regulations, OFAC is adding § 548.705, which describes Findings of Violation. In subpart H of the Regulations, OFAC is amending the delegation at § 548.802 to add the delegation of certain authorities with respect to E.O. 14038.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of E.O. 12866 of September 30, 1993, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 548

Administrative practice and procedure, Banks, banking, Belarus, Blocking of assets, Credit, Debt, Foreign trade, Penalties, Reporting and recordkeeping requirements, Sanctions, Securities, Services.

For the reasons set forth in the preamble, OFAC revises 31 CFR part 548 to read as follows:

PART 548—BELARUS SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

Subpart B—Prohibitions

Subpart C—General Definitions

Subpart D—Interpretations

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13405, 71 FR 35485, 3 CFR, 2006 Comp., p. 231; E.O. 14038, 86 FR 43905, 3 CFR, 2021 Comp., p. 626.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 548.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 548.201 Prohibited transactions involving blocked property.

(a) All property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(1) *E.O. 13405 Annex.* The persons listed in the Annex to E.O. 13405 of June 16, 2006;

(2) *E.O. 13405.* Any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(i) To be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;

(ii) To be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;

(iii) To be a senior-level official, a family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus;

(iv) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraphs (a)(2)(i) through (iii) of this section or any person whose property or interests in property are blocked pursuant to paragraph (a)(1) or (2) of this section; or

(v) To be owned or controlled by or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to paragraph (a)(1) or (2) of this section; and

(3) *E.O. 14038.* Any person determined by the Secretary of the Treasury, in consultation with the Secretary of the State:

(i) To be or have been a leader, official, senior executive officer, or member of the board of directors of:

(A) An entity that has, or whose members have, engaged in any of the activities described in this paragraphs (a)(3)(B)(v)(A) through (E) or paragraphs (a)(2)(i) through (iii) of this section; or

(B) An entity whose property and interests in property are blocked pursuant to this paragraph (a);

(ii) To be a political subdivision, agency, or instrumentality of the Government of Belarus;

(iii) To be or have been a leader or official of the Government of Belarus;

(iv) To operate or have operated in the defense and related materiel sector, security sector, energy sector, potassium chloride (potash) sector, tobacco products sector, construction sector, or transportation sector of the economy of Belarus, or any other sector of the Belarus economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of the State;

(v) To be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following:

(A) Actions or policies that threaten the peace, security, stability or territorial integrity of Belarus;

(B) Actions or policies that prohibit, limit, or penalize the exercise of human rights and fundamental freedoms (including freedoms of expression, peaceful assembly, association, religion or belief, and movement) by individuals in Belarus, or that limit access to the internet or print, online, or broadcast media in Belarus;

(C) Electoral fraud or other actions or policies that undermined the electoral process in a Republic of Belarus election;

(D) Deceptive or structured transactions or dealings to circumvent any United States sanctions by or for or on behalf of, or for the benefit of, directly or indirectly, the Government of Belarus or any persons whose property

and interests in property are blocked pursuant to this paragraph (a); or

(E) Public corruption related to Belarus;

(vi) To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in paragraph (a)(3)(v) of this section or any person whose property and interests in property are blocked pursuant to this paragraph (a)(3); or

(vii) To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, the Government of Belarus or any person whose property and interests in property are blocked pursuant to this paragraph (a)(3).

(b) The prohibitions in paragraph (a) of this section include prohibitions on the following transactions:

(1) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to paragraph (a) of this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any person whose property and interests in property are blocked pursuant to paragraph (a) of this section.

(c) Unless authorized by this part or by a specific license expressly referring to this part, any dealing in securities (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of, or known to be held for the benefit of, or issued by, any person whose property and interests in property are blocked pursuant to paragraph (a) of this section is prohibited. This prohibition includes the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, any securities on or after the effective date. This prohibition applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such securities may have or might appear to have assigned, transferred, or otherwise disposed of the securities.

(d) The prohibitions in paragraph (a) of this section apply except to the extent provided by statutes, or in regulations, rulings, instructions, orders, directives, or licenses that may be issued pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to the effective date.

(e) All transactions prohibited pursuant to any Executive order issued after August 9, 2021 pursuant to the national emergency declared in E.O. 13405 of June 16, 2006 are prohibited pursuant to this part.

Note 1 to § 548.201. The names of persons listed in, designated, or identified as blocked pursuant to E.O. 13405, E.O. 14038, or any further Executive orders issued pursuant to the national emergency declared in E.O. 13405, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) using the following identifiers: for E.O. 13405: ''[BELARUS]''; and for any further Executive orders issued pursuant to the national emergency declared in E.O. 13405: using the identifier formulation ''[BELARUS–EO[E.O. number pursuant to which the person's property and interests in property are blocked]].'' The SDN List is accessible through the following page on OFAC's website: *www.treas.gov/sdn.* Additional information pertaining to the SDN List can be found in appendix A to this chapter. *See* § 548.411 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 548.201. The International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), in Section 203 (50 U.S.C. 1702), authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List using the following identifiers: for E.O. 13405: ''[BPI–BELARUS]''; for any further Executive orders issued pursuant to the national emergency declared in E.O. 13405: ''[BPI–BELARUS–EO[E.O. number pursuant to which the person's property and interests in property are blocked pending investigation]].''

Note 3 to § 548.201. Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, or administrative reconsideration of their status as persons whose property and interests in property are blocked pursuant to this section.

§ 548.202 Prohibited transactions with respect to the Ministry of Finance of the Republic of Belarus and the Development Bank of the Republic of Belarus (Directive 1).

The following activities by a U.S. person or within the United States are prohibited: all transactions in, provision of financing for, and other dealings in new debt with a maturity of longer than 90 days issued on or after December 2, 2021 by the Ministry of Finance of the Republic of Belarus or the Development Bank of the Republic of Belarus.

§ 548.203 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, ruling, instruction, order, directive, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 548.201, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or interest in property.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 548.201, unless the person who holds or maintains such property, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, a license or other authorization issued by OFAC before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of this part and any regulation, ruling, instruction, order, directive, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property is or was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of OFAC each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property is or was held or maintained (and as to such person only);

(2) The person with whom such property is or was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property is or was held or maintained filed with OFAC a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, order, directive, license, or other authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by OFAC; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

(e) The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (2) of this section have been satisfied.

(f) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to § 548.201.

§ 548.204 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (e) or (f) of this section, or as otherwise directed or authorized by OFAC, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 548.201 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For the purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) Funds held or placed in a blocked account pursuant to paragraph (a) of this section may not be invested in instruments the maturity of which exceeds 180 days.

(c) For the purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(d) For the purposes of this section, if interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(e) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 548.201 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (a) or (f) of this section.

(f) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 548.201 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(g) This section does not create an affirmative obligation for the holder of blocked tangible property, such as real or personal property, or of other blocked property, such as debt or equity securities, to sell or liquidate such property. However, OFAC may issue licenses permitting or directing such sales or liquidation in appropriate cases.

(h) Funds blocked pursuant to § 548.201 may not be held, invested, or reinvested in a manner that provides financial or economic benefit or access to any person whose property and interests in property are blocked pursuant to § 548.201, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 548.205 Expenses of maintaining blocked tangible property; liquidation of blocked property.

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted prior to the effective date, all expenses incident to the maintenance of tangible property blocked pursuant to § 548.201 shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 548.201 may, in the discretion of OFAC, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

§ 548.206 Evasions; attempts; causing violations; conspiracies.

(a) Any transaction on or after the effective date that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Any conspiracy formed to violate the prohibitions set forth in this part is prohibited.

§ 548.207 Exempt transactions.

International Emergency Economic Powers Act. The prohibitions contained in this part do not apply to any transactions that are exempt pursuant to section 203(b) of the International Emergency Economic Powers Act, (50 U.S.C. 1702(b)).

Subpart C—General Definitions

§ 548.300 Applicability of definitions.

The definitions in this subpart apply throughout the entire part.

§ 548.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibitions in § 548.201 held in the name of a person whose property and interests in property are blocked pursuant to § 548.201, or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license or other authorization from OFAC expressly authorizing such action.

Note 1 to § 548.301. *See* § 548.411 concerning the blocked status of property and interests in property of an entity that is directly or indirectly owned, whether individually or in the aggregate, 50 percent or more by one or more persons whose property and interests in property are blocked pursuant to § 548.201.

§ 548.302 Construction sector of the Belarus economy.

The term *construction sector of the Belarus economy* includes the production, procurement, devising, framing, design, testing, financing, distribution, or transport involving Belarus, of goods, services, or technology to fabricate, shape, alter, maintain, or form any buildings or structures, including the on-site development, assembly, or construction of residential, commercial, or institutional buildings in Belarus; and any related activities, including the provision or receipt of goods, services, or technology involving the construction sector of the Belarus economy.

§ 548.303 Debt.

The term *debt* as used in § 548.202 includes bonds, loans, extensions of

credit, loan guarantees, letters of credit, drafts, bankers' acceptances, discount notes or bills, or commercial paper.

§ 548.304 Defense and related materiel sector of the Belarus economy.

The term *defense and related materiel sector of the Belarus economy* includes military, armed forces, or security forces of or within Belarus; the use of arms or related materiel by military, armed forces, or security forces of or within Belarus; any person manufacturing, supplying, financing, procuring, or distributing goods, services, or technology to, from, or involving military, armed forces, or security forces of or within Belarus; and any related activities, including the provision or receipt of goods, services, or technology involving the defense and related materiel sector of the Belarus economy.

§ 548.305 Effective date.

(a) The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(1) With respect to a person whose property and interests in property are blocked pursuant to § 548.201(a)(1), 12:01 a.m. eastern daylight time, June 19, 2006;

(2) With respect to a person whose property and interests in property are otherwise blocked pursuant to § 548.201, the earlier of the date of actual or constructive notice that such person's property and interests in property are blocked; and

(3) With respect to transactions prohibited by § 548.202, the earlier of the date of actual or constructive notice of such prohibition.

(b) For the purposes of this section, *constructive notice* is the date that a notice of the blocking of the relevant person's property and interests in property, or notice of a prohibition pursuant to § 548.202, is published in the **Federal Register**.

§ 548.306 Energy sector of the Belarus economy.

The term *energy sector of the Belarus economy* includes the procurement, exploration, extraction, drilling, mining, harvesting, production, refinement, liquefaction, gasification, regasification, conversion, enrichment, fabrication, manufacturing, testing, financing, distribution, or transport to, from, or involving Belarus, of petroleum, natural gas, liquefied natural gas, natural gas liquids, or petroleum products, or other products capable of producing energy, such as coal, wood, or agricultural products used to manufacture biofuels; the development, production, testing, generation, transmission, financing, or exchange of power, through any means, including nuclear, electrical, thermal, and renewable, in or involving Belarus; and any related activities, including the provision or receipt of goods, services, or technology to, from, or involving the energy sector of the Belarus economy.

§ 548.307 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

§ 548.308 Financial, material, or technological support.

The term *financial, material, or technological support* means any property, tangible or intangible, including currency, financial instruments, securities, or any other transmission of value; weapons or related materiel; chemical or biological agents; explosives; false documentation or identification; communications equipment; computers; electronic or other devices or equipment; technologies; lodging; safe houses; facilities; vehicles or other means of transportation; or goods. ''Technologies'' as used in this section means specific information necessary for the development, production, or use of a product, including related technical data such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals, or other recorded instructions.

§ 548.309 Government of Belarus.

The term *Government of Belarus* means the Government of Belarus, any political subdivision, agency, or instrumentality thereof, including the National Bank of the Republic of Belarus, and any person owned, controlled, or directed by, or acting for or on behalf of, the Government of Belarus.

§ 548.310 [Reserved]

§ 548.311 Interest.

Except as otherwise provided in this part, the term *interest,* when used with respect to property (*e.g.,* ''an interest in property''), means an interest of any nature whatsoever, direct or indirect.

§ 548.312 Licenses; general and specific.

(a) Except as otherwise provided in this part, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC's website: *www.treas.gov/ofac.*

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC's website: *www.treas.gov/ofac.*

Note 1 to § 548.312. *See* § 501.801 of this chapter on licensing procedures.

§ 548.313 OFAC.

The term *OFAC* means the Department of the Treasury's Office of Foreign Assets Control.

§ 548.314 Person.

The term *person* means an individual or entity.

§ 548.315 Potassium chloride (potash) sector of the Belarus economy.

The term *potassium chloride (potash) sector of the Belarus economy* includes the extraction, mining, harvesting, production, procurement, refinement, manufacturing, testing, financing, distribution, or transport to, from, or involving Belarus, of potassium chloride (potash) or potash products; and any related activities, including the provision or receipt of goods, services, or technology to, from, or involving the potash sector of the Belarus economy.

§ 548.316 Property; property interest.

The terms *property* and *property interest* include money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership, or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 548.317 Security sector of the Belarus economy.

The term *security sector of the Belarus economy* includes non-military persons who are engaged in the following in or involving Belarus: state security and law enforcement; justice management and oversight; border management; customs and civil emergency management; surveillance and cyber-security; and any related activities, including the provision or receipt of goods, services, or technology to, from, or involving the security sector of the Belarus economy.

§ 548.318 Structured.

The term *structured,* with respect to a transaction, has the meaning given the term ''structure (structuring)'' in 31 CFR 1010.100(xx) (or any corresponding similar regulation or ruling).

§ 548.319 Tobacco products sector of the Belarus economy.

The term *tobacco products sector of the Belarus economy* includes the production, procurement, refinement, manufacturing, testing, financing, distribution, or transport to, from, or involving Belarus, of any product made or derived from tobacco, including any component, part, or accessory of such a product; and any related activities, including the provision or receipt of services, or technology to, from, or involving the tobacco products sector of the Belarus economy.

§ 548.320 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation on the foregoing, it shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 548.321 Transportation sector of the Belarus economy.

The term *transportation sector of the Belarus economy* includes the production, manufacturing, testing, financing, distribution or transport to, from, or involving Belarus, of any mode of transport or any goods, services, or technology for the movement or conveyance of persons or property and the loading, unloading, or storage incidental to the movement of such persons or property; and any related activities, including the provision or receipt of goods, services, or technology to, from, or involving the transportation sector of the Belarus economy.

§ 548.322 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 548.323 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

§ 548.324 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, purchasing or selling foreign exchange, securities, futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes depository institutions, banks, savings banks, money services businesses, operators of credit card systems, trust companies, insurance companies, securities brokers and dealers, futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, dealers in precious metals, stones, or jewels, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

§ 548.401 Reference to amended sections.

(a) Reference to any section in this part is a reference to the same as currently amended, unless the reference includes a specific date. *See* 44 U.S.C. 1510.

(b) Reference to any regulation, ruling, instruction, order, directive, or license issued pursuant to this part is a reference to the same as currently amended unless otherwise specified.

§ 548.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any regulation, ruling, instruction, order, directive, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such regulation, ruling, instruction, order, directive, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 548.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from a person whose property and interests in property are blocked pursuant to § 548.201, such property shall no longer be deemed to be property blocked pursuant to § 548.201, unless there exists in the property another interest that is blocked pursuant to § 548.201, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property and interests in property are blocked pursuant to § 548.201, such property shall be deemed to be property in which such person has an interest and therefore blocked.

§ 548.404 Transactions ordinarily incident to a licensed transaction.

(a) Any transaction ordinarily incident to a licensed transaction and

necessary to give effect thereto is also authorized, except:

(1) An ordinarily incident transaction, not explicitly authorized within the terms of the license, by or with a person whose property and interests in property are blocked pursuant to § 548.201; or

(2) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property pursuant to § 548.201.

(b) For example, a license authorizing a person to complete a securities sale involving Company A, whose property and interests in property are blocked pursuant to § 548.201, also authorizes other persons to engage in activities that are ordinarily incident and necessary to complete the sale, including transactions by the buyer, broker, transfer agents, and banks, provided that such other persons are not themselves persons whose property and interests in property are blocked pursuant to § 548.201.

§ 548.405 Provision and receipt of services.

(a) The prohibitions contained in § 548.201 apply to services performed in the United States or by U.S. persons, wherever located:

(1) On behalf of or for the benefit of any person whose property and interests in property are blocked pursuant to § 548.201; or

(2) With respect to property interests of any person whose property and interests in property are blocked pursuant to § 548.201.

(b) The prohibitions on transactions contained in § 548.201 apply to services received in the United States or by U.S. persons, wherever located, where the service is performed by, or at the direction of, a person whose property and interests in property are blocked pursuant to § 548.201.

(c) For example, U.S. persons may not, except as authorized by or pursuant to this part, provide legal, accounting, financial, brokering, freight forwarding, transportation, public relations, or other services to any person whose property and interests in property are blocked pursuant to § 548.201, or negotiate with or enter into contracts signed by a person whose property and interests in property are blocked pursuant to § 548.201.

Note 1 to § 548.405. *See* §§ 548.507 and 548.509 for general licenses authorizing the provision of certain legal and emergency medical services.

§ 548.406 Offshore transactions involving blocked property.

The prohibitions in § 548.201 on transactions or dealings involving blocked property, as defined in § 548.301 apply to transactions by any U.S. person in a location outside the United States.

§ 548.407 Payments from blocked accounts to satisfy obligations prohibited.

Pursuant to § 548.201, no debits may be made to a blocked account to pay obligations to U.S. persons or other persons, except as authorized by or pursuant to this part.

Note 1 to § 548.407. *See also* § 548.502(e), which provides that no license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

§ 548.408 Charitable contributions.

Unless specifically authorized by OFAC pursuant to this part, no charitable contribution of funds, goods, services, or technology, including contributions to relieve human suffering, such as food, clothing, or medicine, may be made by, to, or for the benefit of, or received from a person whose property and interests in property are blocked pursuant to § 548.201. For the purposes of this part, a contribution is made by, to, or for the benefit of, or received from, a person whose property and interests in property are blocked pursuant to § 548.201 if made by, to, or in the name of, or received from or in the name of, such a person; if made by, to, or in the name of, or received from or in the name of, an entity or individual acting for or on behalf of, or owned or controlled by, such a person; or if made in an attempt to violate, to evade, or to avoid the bar on the provision of contributions by, to, or for the benefit of such a person, or the receipt of contributions from such a person.

§ 548.409 Credit extended and cards issued by financial institutions to a person whose property and interests in property are blocked.

The prohibition in § 548.201 on dealing in property subject to that section prohibits U.S. financial institutions from performing under any existing credit agreements, including charge cards, debit cards, or other credit facilities issued by a financial institution to a person whose property and interests in property are blocked pursuant to § 548.201.

§ 548.410 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 548.201 if effected after the effective date.

§ 548.411 Entities owned by one or more persons whose property and interests in property are blocked.

Persons whose property and interests in property are blocked pursuant to § 548.201 have an interest in all property and interests in property of an entity in which such persons directly or indirectly own, whether individually or in the aggregate, a 50 percent or greater interest. The property and interests in property of such an entity, therefore, are blocked, and such an entity is a person whose property and interests in property are blocked pursuant to § 548.201, regardless of whether the name of the entity is incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 548.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart E, of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Belarus sanctions page on OFAC's website: *www.treas/ofac.*

§ 548.502 Effect of license or other authorization.

(a) No license or other authorization contained in this part, or otherwise issued by OFAC, authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, order, directive, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, order, directive, or license is issued by OFAC and specifically refers to this part. No regulation, ruling, instruction, order, directive, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, order, directive, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, order, directive, or license authorizing any transaction prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, order, directive, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property that would not otherwise exist under ordinary principles of law.

(d) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data that are not prohibited by this part or that do not require a license by OFAC nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. government.

(e) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(f) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the relevant OFAC general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

§ 548.503 Exclusion from licenses.

OFAC reserves the right to exclude any person, property, transaction, or class thereof from the operation of any license or from the privileges conferred by any license. OFAC also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

§ 548.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a person whose property and interests in property are blocked pursuant to § 548.201 has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may be made only to another blocked account held in the same name.

Note 1 to § 548.504. *See* § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. *See also* § 548.203 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 548.505 Entries in certain accounts for normal service charges.

(a) A U.S. financial institution is authorized to debit any blocked account held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term *normal service charges* shall include charges in payment or reimbursement for interest due; cable, telegraph, internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 548.506 Investment and reinvestment of certain funds.

Subject to the requirements of § 548.203, U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 548.201, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount that is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but funds shall not be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments shall not be credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.,* through pledging or other use) to a person whose property and interests in property are blocked pursuant to § 548.201.

§ 548.507 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 548.201 is authorized, provided that any receipt of payment of professional fees and reimbursement of incurred expenses must be authorized pursuant to § 548.508, which authorizes certain payments for legal services from funds originating outside the United States; via specific license; or otherwise pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 548.201, not otherwise authorized in this part, requires the issuance of a specific license.

(c) U.S. persons do not need to obtain specific authorization to provide related services, such as making filings and providing other administrative services, that are ordinarily incident to the provision of services authorized by paragraph (a) of this section. Additionally, U.S. persons who provide services authorized by paragraph (a) of this section do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by

private investigators or expert witnesses, or to pay for such services. *See* § 548.404.

(d) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 548.201 is prohibited unless licensed pursuant to this part.

Note 1 to § 548.507. Pursuant to part 501, subpart E, of this chapter, U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of certain blocked funds for the payment of professional fees and reimbursement of incurred expenses for the provision of such legal services where alternative funding sources are not available.

§ 548.508 Payments for legal services from funds originating outside the United States.

(a) *Professional fees and incurred expenses.* (1) Receipt of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 548.507(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 548.201, is authorized from funds originating outside the United States, provided that the funds do not originate from:

(i) A source within the United States;

(ii) Any source, wherever located, within the possession or control of a U.S. person; or

(iii) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 554.507(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order or statute.

(2) Nothing in this paragraph (a) authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 548.201, any other part of this chapter, or any Executive order or statute has an interest.

(b) *Reports.* (1) U.S. persons who receive payments pursuant to paragraph (a) of this section must submit annual reports no later than 30 days following the end of the calendar year during which the payments were received providing information on the funds received. Such reports shall specify:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services.

(2) The reports, which must reference this section, are to be submitted to OFAC using one of the following methods:

(i) Email (preferred method): *OFACReport@treasury.gov;* or

(ii) U.S. mail: OFAC Regulations Reports, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Freedman's Bank Building, Washington, DC 20220.

§ 548.509 Emergency medical services.

The provision and receipt of nonscheduled emergency medical services that are prohibited by this part are authorized.

§ 548.510 Official business of the United States government.

All transactions prohibited by this part that are for the conduct of the official business of the United States government by employees, grantees, or contractors thereof are authorized.

§ 548.511 Official business of certain international organizations and entities.

All transactions prohibited by this part that are for the conduct of the official business of the following entities by employees, grantees, or contractors thereof are authorized:

(a) The United Nations, including its Programmes, Funds, and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations;

(b) The International Centre for Settlement of Investment Disputes (ICSID) and the Multilateral Investment Guarantee Agency (MIGA);

(c) The African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group (IDB Group), including any fund entity administered or established by any of the foregoing;

(d) The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies; and

(e) The Global Fund to Fight AIDS, Tuberculosis, and Malaria and the Global Alliance for Vaccines and Immunizations.

§ 548.512 Certain transactions in support of nongovernmental organizations' activities.

(a) Except as provided in paragraph (c) of this section, all transactions prohibited by this part that are ordinarily incident and necessary to the activities described in paragraph (b) of this section by a nongovernmental organization are authorized, provided that the nongovernmental organization is not a person whose property or interests in property are blocked pursuant to this part.

(b) The activities referenced in paragraph (a) of this section are non-commercial activities designed to directly benefit the civilian population that fall into one of the following categories:

(1) Activities to support humanitarian projects to meet basic human needs, including disaster, drought, or flood relief; food, nutrition, or medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs;

(2) Activities to support democracy building, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects;

(3) Activities to support education, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects;

(4) Activities to support non-commercial development projects directly benefiting civilians, including those related to health, food security, and water and sanitation;

(5) Activities to support environmental and natural resource protection, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage; and

(6) Activities to support disarmament, demobilization, and reintegration (DDR) programs and peacebuilding, conflict prevention, and conflict resolution programs.

(c) This section does not authorize funds transfers initiated or processed with knowledge or reason to know that the intended beneficiary of such transfers is a person blocked pursuant to

this part, other than for the purpose of effecting the payment of taxes, fees, or import duties, or the purchase or receipt of permits, licenses, or public utility services.

(d) Specific licenses may be issued on a case-by-case basis to authorize nongovernmental or other entities to engage in other activities designed to directly benefit the civilian population, including support for the removal of landmines and economic development projects directly benefiting the civilian population.

Note 1 to § 548.512. This section does not relieve any person authorized thereunder from complying with any other applicable laws or regulations.

§ 548.513 Transactions related to the provision of agricultural commodities, medicine, medical devices, replacement parts and components, or software updates for personal, non-commercial use.

(a) All transactions prohibited by this part that are related to the provision, directly or indirectly, of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to an individual whose property and interests in property are blocked pursuant to this part are authorized, provided the items are in quantities consistent with personal, non-commercial use.

(b) For the purposes of this section, agricultural commodities, medicine, and medical devices are defined as follows:

(1) *Agricultural commodities.* For the purposes of this section, agricultural commodities are:

(i) Products that fall within the term ''agricultural commodity'' as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602);

(ii) That are intended for ultimate use as:

(A) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(B) Seeds for food crops;

(C) Fertilizers or organic fertilizers; or

(D) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine.* For the purposes of this section, medicine is an item that falls within the definition of the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) *Medical devices.* For the purposes of this section, a medical device is an item that falls within the definition of ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Note 1 to § 548.513. This section does not relieve any person authorized thereunder from complying with any other applicable laws or regulations.

§ 548.514 Certain transactions with the State Security Committee of the Republic of Belarus.

All transactions prohibited by this part involving the State Security Committee of the Republic of Belarus (the ''Belarusian KGB'') are authorized, provided that such transactions are necessary and ordinarily incident to:

(a) Requesting, receiving, utilizing, paying for, or dealing in licenses, permits, certifications, or notifications issued or registered by the Belarusian KGB for the importation, distribution, or use of information technology products in Belarus, provided that:

(i) The exportation, reexportation, or provision of any goods or technology that are subject to the Export Administration Regulations, 15 CFR parts 730 through 774, is licensed or otherwise authorized by the Department of Commerce; and

(ii) The payment of any feeds to the Belarus KGB for such licenses, permits, certifications, or notifications does not exceed $5,000 in any calendar year;

(b) Complying with law enforcement or administrative actions or investigations involving the Belarusian KGB; or

(c) Complying with rules and regulations administered by the Belarusian KGB.

Subpart F—Reports

§ 548.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

Subpart G—Penalties and Findings of Violation

§ 548.701 Penalties.

(a) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (IEEPA) is applicable to violations of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA.

(1) A civil penalty not to exceed the amount set forth in section 206 of IEEPA may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any regulation, ruling, instruction, order, directive, license, or prohibition issued under IEEPA.

(2) IEEPA provides for a maximum civil penalty not to exceed the greater of $356,579 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(3) A person who willfully commits, willfully attempts to commit, willfully conspires to commit, or aids or abets in the commission of a violation of any regulation, ruling, instruction, order, directive, license, or prohibition may, upon conviction, be fined not more than $1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b)(1) The civil penalties provided in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

(2) The criminal penalties provided in IEEPA are subject to adjustment pursuant to 18 U.S.C. 3571.

(c) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or makes any materially false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, imprisoned, or both.

(d) Violations of this part may also be subject to other applicable laws.

§ 548.702 Pre-Penalty Notice; settlement.

(a) *When required.* If OFAC has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and determines that a civil monetary penalty is warranted, OFAC will issue a Pre-Penalty Notice informing the alleged violator of the agency's intent to impose a monetary

penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to OFAC. For a description of the information that should be included in such a response, see appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed or date the Pre-Penalty Notice was emailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and include the OFAC identification number listed on the Pre-Penalty Notice. The response must be sent to OFAC's Office of Compliance and Enforcement by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by OFAC, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by OFAC are contained in appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

§ 548.703 Penalty imposition.

If, after considering any written response to the Pre-Penalty Notice and any relevant facts, OFAC determines that there was a violation by the alleged violator named in the Pre-Penalty Notice and that a civil monetary penalty is appropriate, OFAC may issue a Penalty Notice to the violator containing a determination of the violation and the imposition of the monetary penalty. For additional details concerning issuance of a Penalty Notice, see appendix A to part 501 of this chapter. The issuance of the Penalty Notice shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

§ 548.704 Administrative collection; referral to United States Department of Justice.

In the event that the violator does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to OFAC, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

§ 548.705 Findings of Violation.

(a) *When issued.* (1) OFAC may issue an initial Finding of Violation that identifies a violation if OFAC:

(i) Determines that there has occurred a violation of any provision of this part, or a violation of the provisions of any regulation, ruling, instruction, order, directive, or license issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq*);

(ii) Considers it important to document the occurrence of a violation; and

(iii) Based on the Guidelines contained in appendix A to part 501 of this chapter, concludes that an administrative response is warranted but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination.* A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(i) *Computation of time for response.* A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier), or dated if sent by email, on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served or date the Finding of Violation was sent by email. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof (electronic signature is acceptable), contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. The response must be sent to OFAC's Office

of Compliance and Enforcement by mail or courier or email and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response.* Any response should set forth in detail why the alleged violator either believes that a violation of the regulations did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501 of this chapter. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination*—(1) *Determination that a Finding of Violation is warranted.* If, after considering the response, OFAC determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(2) *Determination that a Finding of Violation is not warranted.* If, after considering the response, OFAC determines a Finding of Violation is not warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

Note 1 to paragraph (c)(2). A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

Subpart H—Procedures

§ 548.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 548.802 Delegation of certain authorities of the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to E.O. 13405 of June 16, 2006, E.O. 14038 of August 9, 2021, and any further Executive orders relating to the national emergency declared in E.O. 13405, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 548.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures, and other procedures, see § 501.901 of this chapter. 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 control number assigned by OMB.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0191]

Safety Zone; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations at various locations in the Sector Columbia River Captain of the Port Zone from May 26, 2023 to July 08, 2023, to provide for the safety of life on navigable waters during these fireworks displays. Our regulation for fireworks displays within the Thirteenth Coast Guard District designates the regulated areas and identifies the approximate dates for these events. The specific dates and times are identified in this notice. These regulations prohibit persons and vessels from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LT Carlie Gilligan, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce safety zones found in 33 CFR 165.1315 for the events specified below, during the designated enforcement periods, and within a 450-yard radius of the launch site and the listed locations. This action is being taken to provide for the safety of life on navigable waterways during these events.

Our regulation for fireworks displays within the Thirteenth Coast Guard District designates the regulated areas and identifies the approximate dates for these events. The specific dates and times are specified below. During the enforcement periods, as reflected in § 165.1315, persons and vessels are prohibited from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative. These safety zones are subject to enforcement at least 1 hour prior to the start and 1 hour after the conclusion of the events.

TABLE—DATES AND DURATIONS OF ENFORCEMENT FOR 33 CFR 165.1315 SAFETY ZONES AT VARIOUS LOCATIONS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE IN 2023

Event name	Event location	Date of event	Latitude	Longitude
Portland Rose Festival Fireworks	Portland, OR	May 26, 2023; 8:30 p.m. to 11 p.m.	45°30′58″ N	122°40′12″ W
Ilwaco July 4th Committee Fireworks/Independence Day at the Port.	Ilwaco, WA	July 1, 2023; 9:30 p.m. to 11:00 p.m.	46°18′17″ N	124°02′00″ W
Yachats 4th of July	Yachats, OR	July 4, 2023; 9:30 p.m. to 12 a.m.	44°18′38″ N	124°06′27″ W
Cedco Inc./The Mill Casino Independence Day	North Bend, OR	July 3, 2023; 9:30 p.m. to 11 p.m.	43°23′42″ N	124°12′55″ W
Waldport 4th of July	Waldport, OR	July 3, 2023; 9:30 p.m. to 11 p.m.	44°25′31″ N	124°04′44″ W
City of Coos Bay July 4th Celebration/Fireworks Over the Bay.	Coos Bay, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	43°22′06″ N	124°12′24″ W
The Dalles Area Fourth of July	The Dalles, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	45°36′18″ N	121°10′23″ W
Clatskanie Heritage Days Fireworks	Clatskanie, OR	July 4, 2023; 9:30 p.m. to 11:30 p.m.	46°13′37″ N	119°08′47″ W
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	46°11′34″ N	123°49′28″ W
Washougal 4th of July	Washougal, WA	July 4, 2023; 9:30 p.m. to 11 p.m.	45°34′32″ N	122°22′53″ W
Port of Cascade Locks 4th of July Fireworks	Cascade; Locks, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	45°50′15″ N	121°53′43″ W
Lincoln City 4th of July	Lincoln City, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	44°55′28″ N	124°01′31″ W
Florence Independence Day Celebration	Florence, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	43°58′09″ N	124°05′50″ W
Bandon 4th of July	Bandon, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	43°07′29″ N	124°25′05″ W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	42°25′30″ N	124°25′03″ W
Waverly Country Club 4th of July Fireworks	Milwaukie, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	45°27′03″ N	122°39′18″ W
Port Orford 4th of July	Port Orford, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	42°44′31″ N	124°29′30″ W
Brookings, OR July 4th Fireworks	Brookings, OR	July 4, 2023; 9 p.m. to 10:30 p.m.	42°02′39″ N	124°16′14″ W
Waterfront Blues Festival Fireworks	Portland, OR	July 4, 2023; 9:30 p.m. to 11 p.m..	45°30′42″ N	122°40′14″ W
Hood River 4th of July	Hood River. OR	July 4, 2023; 9:30 p.m. to 11 p.m.	45°42′58″ N	121°30′32″ W
City of Rainier/Rainier Days	Rainier, OR	July 8, 2023; 9:30 p.m. to 11 p.m.	46°05′46″ N	122°56′18″ W
Oaks Park Association 4th of July	Portland, OR	July 4, 2023; 9:30 p.m. to 11 p.m.	45°28′22″ N	122°39′59″ W

All coordinates are listed in reference Datum NAD 1983.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of these enforcement periods via the Local Notice to Mariners and Broadcast notice to mariners.

Dated: March 20, 2023.

M. Scott Jackson,

Captain, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2023–06177 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

[COE–2022–0005]

Navigable Waters of Knik Arm Within the Explosive Arc of Six Mile Munitions Storage Area on Joint Base Elmendorf-Richardson, Alaska; Restricted Area

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is amending its restricted area regulations to establish a restricted area within the explosive arc of the Six Mile Munitions Storage Area (MSA) on Joint Base Elmendorf-Richardson (JBER). The restricted area is located within the navigable waters of Knik Arm which are a part of the Six Mile MSA explosive arc, extending from the shoreline of JBER to the outward limits of the arc. Establishment of the restricted area will prevent all vessels and individuals from entering the explosive arc area of the Six Mile MSA at all times, except for authorized vessels and individuals in support of military training and management activities. This restricted area is necessary to prevent unauthorized vessels and individuals from entering the explosive arc during an inadvertent detonation, and exposure to hazardous

noise and fragments from such a detonation.

DATES: Effective April 26, 2023.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW–CO (David Olson), 441 G Street NW, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or via email at *david.b.olson@usace.army.mil.*

SUPPLEMENTARY INFORMATION: In response to a request by the United States Air Force (USAF), Pacific Air Command (PACAF), and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers (Corps) is amending its restricted area regulations to establish a permanent restricted area in the navigable waters of Knik Arm adjacent to JBER, Alaska. The restricted area will allow the USAF PACAF 673rd Air Base Wing to prevent all vessels and individuals from entering the explosive arc area of the Six Mile MSA at JBER at all times, except for authorized vessels and individuals engaged in support of military training and management activities. This restricted area will be in place as a precautionary measure to protect the public from entering or being within the explosive arc during an inadvertent detonation, and encountering hazardous noise and fragments from such a detonation.

The proposed rule was published in the **Federal Register** on July 13, 2022 (87 FR 41637). The *regulations.gov* docket number was COE–2022–0005. Concurrently, a local public notice for the proposed restricted area was sent out from the Alaska District. No comments were received in response to the proposed rule.

Procedural Requirements

a. *Regulatory Planning and Review.* This final rule is not a ''significant regulatory action'' under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011) and it was not submitted to the Office of Management and Budget for review.

b. *Review Under the Regulatory Flexibility Act.* This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354). The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses and small governments). The restricted area is located in Knik Arm, adjacent to JBER, within the explosive arc area of the Six Mile MSA and the restricted area is necessary to protect public safety. Small entities can continue to utilize navigable waters outside of the restricted area. After considering the economic impacts of this restricted area regulation on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

c. *Review Under the National Environmental Policy Act.* An environmental assessment (EA) has been prepared for the establishment of this restricted area. The Corps has concluded that the establishment of the restricted area will not have a significant impact to the quality of the human environment and, therefore, preparation of an EIS is not required. The final EA and Finding of No Significant Impact may be reviewed at the Alaska District Office, 2204 3rd Street, JBER, Alaska 99506.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty among the private sector and, therefore, it is not a federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. We have also found that under Section 203 of the Act, small governments will not be significantly and uniquely affected by this rulemaking.

e. *Congressional Review Act.* The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, including a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The Corps will submit a report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.1303 to read as follows:

§ 334.1303 Navigable waters of Knik Arm within the explosive arc of the Six Mile Munitions Storage Area off the northeastern side of Joint Base Elmendorf-Richardson; restricted area.

(a) *The area.* The restricted area consists of the waters with an area defined as beginning at a point on shore at latitude 61°17′35″ N, longitude 149°50′3″ W; thence northward in an arc to the mid-arc point at latitude 61°18′19″ N, longitude 149°50′6″ W; continuing northward in an arc to the end point on shore at latitude 61°18′36″ N, longitude 149°49′1″ W. The datum for these coordinates is NAD–83.

(b) *The regulation.* The restricted area described in paragraph (a) of this section is permanently closed for public use at all times. No persons, watercrafts, or vessels shall enter, or remain, in the area except for those authorized by the enforcing agency.

(c) *Enforcement.* This regulation will be enforced by USAF PACAF 673rd Air Base Wing.

Thomas P. Smith,

Chief, Operations and Regulatory Division.

[FR Doc. 2023–06242 Filed 3–24–23; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2018–0031]

RIN 0651–AD31

Setting and Adjusting Patent Fees During Fiscal Year 2020

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule; delay of effective date and final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) published a final rule in the **Federal Register** on August 3, 2020, that includes a fee for patent applications that are not filed in the DOCX format, except for design, plant, or provisional applications. The effective date of this new fee was most recently delayed in a

final rule published in the **Federal Register** on December 29, 2022 and was scheduled to become effective on April 3, 2023. Through this final rule, the USPTO is delaying the effective date of this fee until June 30, 2023.

DATES: This final rule is effective June 30, 2023. As of March 27, 2023, the effective date of amendatory instruction 2.i. (affecting 37 CFR 1.16(u)), published at 85 FR 46932 on August 3, 2020, and delayed at 86 FR 66192, November 22, 2021, and at 87 FR 80073, December 29, 2022, and as further amended at 88 FR 17147, March 22, 2023, is further delayed until June 30, 2023. The change to 37 CFR 1.16(u) in amendatory instruction 2.i., published at 85 FR 46932 on August 3, 2020, is applicable only to nonprovisional utility applications filed under 35 U.S.C. 111 for an original patent on or after June 30, 2023.

FOR FURTHER INFORMATION CONTACT: Mark O. Polutta, Senior Legal Advisor, Office of Patent Legal Administration, 571–272–7709; or Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, 571–272–7727. You can also send inquiries by email to *patentpractice@uspto.gov.*

SUPPLEMENTARY INFORMATION: On August 3, 2020, the USPTO published a final rule in the **Federal Register** that included a new fee set forth in § 1.16(u) with an effective date of January 1, 2022. See *Setting and Adjusting Patent Fees in Fiscal Year 2020,* 85 FR 46932. As specified in § 1.16(u), the fee is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format.

The USPTO conducted two pilot programs for filing applications in the DOCX format. The eMod Text Pilot Program was conducted between August 2016 and September 2017. The USPTO then expanded the ability to file patent applications in the DOCX format in EFS-Web to all users in September 2017. In 2018, the USPTO launched the Patent Center and conducted the Patent Center Text Pilot Program from June 2018 through April 2020. All applicants have been able to file applications in the DOCX format in the Patent Center since April 2020. Information about the Patent Center is available at *www.uspto.gov/PatentCenter.* The USPTO continues to hold many discussions and training sessions with stakeholders to ensure a fair and reasonable transition to the DOCX format.

The USPTO is delaying the effective date of the fee set forth in § 1.16(u) until June 30, 2023. The further delay will give applicants more time to adjust to filing patent applications in the DOCX format.

Applicants are strongly encouraged to begin filing patent applications in the DOCX format before the new effective date of the fee. Applicants are also reminded that they can file test submissions through the Patent Center training mode to practice filing in DOCX. Applicants who have not yet taken advantage of the DOCX training sessions hosted by the USPTO are strongly encouraged to do so. Information on filing application documents in DOCX and a link to the DOCX training sessions are available at *www.uspto.gov/patents/docx.*

Rulemaking Requirements

A. Administrative Procedure Act: This final rule revises the effective date of a final rule published on August 3, 2020 implementing a non-DOCX filing surcharge fee, and is a rule of agency practice and procedure pursuant to 5 U.S.C. 553(b)(A). See *JEM Broad. Co.* v. *F.C.C.,* 22 F.3d 32 (D.C. Cir. 1994) (''[T]he 'critical feature' of the procedural exception [in 5 U.S.C. 553(b)(A)] 'is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.' '' (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980)); see also *Bachow Commc'ns Inc.* v. *F.C.C.,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims). Prior notice and opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). See *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(A))).

Moreover, the Director of the USPTO, pursuant to authority at 5 U.S.C. 553(b)(B), finds good cause to adopt the change to the effective date of § 1.16(u) in this final rule without prior notice and an opportunity for public comment, as such procedures would be impracticable and contrary to the public interest. The change to the effective date will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee is effective. Delay of this provision to provide prior notice and comment procedures is also impracticable because it would allow § 1.16(u) to go into effect before the public is ready for the DOCX format. The Director finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this rule. Immediate implementation of the delay in effective date of the fee is in the public interest because it will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee in § 16(u) is effective.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

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

D. Paperwork Reduction Act: The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The USPTO has determined that there are no new requirements for information collection associated with this final rule.

List of Subjects for 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Office amends 37 CFR part 1 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

§ 1.16 [Amended]

■ 2. In § 1.16, amend paragraph (u) introductory text by removing ''April 3,

2023'' and adding ''June 30, 2023'' in its place.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023–06289 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2022–0612; FRL–10300–02–R8]

Approval and Promulgation of Implementation Plans; Colorado; Revisions to Code of Colorado Regulations; Regulation Number 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the majority of revisions to Regulation Number 3 of the Code of Colorado Regulations (CCR) submitted to the EPA by the State of Colorado on March 22, 2021. The revisions that the EPA is finalizing approval on include updated references to other sections of the CCR that were moved to a new location, as well as changes to Regulation 3 to reflect digitalization of public notice and comment procedures. The EPA is not finalizing approval of revisions that reflect changes made by Colorado to update dates of incorporation by reference (IBR) of sections of the Code of Federal Regulations (CFR) for the reasons outlined in section I of the preamble of this final rule. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: This rule is effective on April 26, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2022–0612. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6709, email address: *lang.matthew@epa.gov.*

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

I. Background

The background for this action is discussed in detail in our November 7, 2022 proposal.[1] In that document we proposed to approve a State Implementation Plan (SIP) revision submitted by Colorado which included changes to Regulation 3, Parts A, B, and C. The revisions to Regulation 3, Part A were originally intended to be finalized as an update to the date of IBR from November 29, 2013 to December 11, 2014 of Global Warming Potentials as codified in 40 CFR part 98, subpart A, table A–1. This date of IBR was meant to be added in both sections I.B.10 and I.B.44.b.(i) of Part A. However, it was determined that the final version of Regulation 3, Part A, which was inserted into the CCR, only showed the removal of the November 29, 2013 date without its necessary replacement with the updated date of IBR. The EPA is not able to approve the revised date into the SIP since it was not formally included in Colorado's regulations. Colorado is currently going through its state rulemaking process to add the revised date to section I.B.10 of Part A. Therefore, in order to prevent the deletion of the existing date of IBR without having a replacement date, the EPA will not take final action on the revisions to Regulation 3, Part A, section I.B.10 in this final rule. Further, while the revised date was properly included in the final version of section I.B.44 of Part A that was inserted into the CCR, the EPA will also not take final action on the revisions to section I.B.44 in this final rule in order to prevent conflicting dates of IBR between sections I.B.10 and I.B.44. Once Colorado has submitted revisions showing the revised date in section I.B.10 of Part A as having been formally inserted into the CCR, then the EPA will propose to take action on the revisions that update the dates of IBR in both sections I.B.10 and I.B.44.

In this action, the revisions to Regulation 3, Parts B and D are being finalized as proposed in our November 7, 2022 proposal. In that rule, we proposed to approve those revisions to Regulation 3, Parts B and D because they were prepared in accordance with the requirements in section 110 of the CAA.

The EPA held a 30-day comment period on the proposed rulemaking beginning on November 7, 2022 and closing on December 7, 2022. We received a comment on the proposal from one commenter. Our comment summary and response to the comment is below.

II. Response to Comments

Comment: Commenter stated generally that any grammatical errors in Regulation 3, Part B should be corrected for clarity and offered their support of the digital availability of permit application materials.

Response: We thank the commenter and acknowledge their comments. We are not aware of, nor did the commenter specifically highlight, any grammatical errors in the submitted revisions to Regulation 3, Part B. Moreso, we are not aware of any grammatical errors that would change the meaning or substance of the submitted revisions. Therefore, the EPA is finalizing the proposed revisions to Regulation 3, Part B as proposed.

III. Final Action

We are approving revisions to Regulation 3, Parts B, sections III.C, III.C.1.e, III.C.4, and III.D.1 as submitted by the State of Colorado on March 22, 2021. We are also approving revisions to Regulation 3, Part D, sections II.A.11.a(viii), IV, IV.A, IV.A.1, and IV.A.7 submitted by the State of Colorado on March 22, 2021. We are not finalizing approval of revisions to Regulation 3, Part A, sections I.B.10 and I.B.44.b(i) in this action as explained in section I of this preamble. The EPA intends to address Regulation 3, Part A, sections I.B.10 and I.B.44.b(i) in a future and separate rulemaking action.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes IBR. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the IBR of Regulation 3, Parts B and D, which include updated references to other sections of the CCR and changes to Regulation 3 to reflect digitalization of public notice and comment procedures, as set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA

[1] Approval and Promulgation of Implementation Plans; Colorado; Revisions to Colorado Code of Regulations; Regulation Number 3, 87 FR 66985 (November 7, 2022).

Region 8 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 the EPA for inclusion in the State implementation plan, have been incorporated by reference by the 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 the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[2]

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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 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 26, 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, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 12, 2023.

K.C. Becker,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, 40 CFR part 52 is amended 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 G—Colorado

■ 2. In § 52.320, the table in paragraph (c) is amended by:

■ a. Under the heading ''5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits'', revising the entry ''III. Construction Permit Review Procedures'';

■ b. Under the heading ''5 CCR 1001–05, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration'', revising the entries ''II. Definitions'', and ''IV. Public Comment Requirements''.

The revisions read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

[2] 62 FR 27968 (May 22, 1997).

Title	State effective date	EPA effective date	Final rule citation/date	Comments
* * * * * * *				
5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits				
* * * * * * *				
III. Construction Permit Review Procedures.	2/14/2021	4/26/2023	[insert **Federal Register** citation], 3/27/2023.	
5 CCR 1001–05, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration				
* * * * * * *				
II. Definitions	2/14/2021	4/26/2023	[insert **Federal Register** citation], 3/27/2023.	
* * * * * * *				
IV. Public Comment and Hearing Requirements.	2/14/2021	4/26/2023	[insert **Federal Register** citation], 3/2/2023.	
* * * * * * *				

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[FR Doc. 2023–06120 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2021–0200; FRL–8515–01–OAR]

RIN 2060–AV23

New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing amendments to the new source performance standards for Industrial Surface Coating of Plastic Parts for Business Machines pursuant to the review required by the Clean Air Act. For affected facilities that commence construction, modification, or reconstruction after June 21, 2022, the EPA is, in a new subpart, finalizing volatile organic compound (VOC) emission limitations for prime, color, texture, and touch-up coating operations. We are also finalizing a requirement for electronic submission of periodic compliance reports.

DATES: This final rule is effective on March 27, 2023. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of March 27, 2023.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0200. 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 electronically through *https://www.regulations.gov/.*

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Sutton, Minerals and Manufacturing Group, Sector Policies and Programs Division (D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–3450; and email address: *sutton.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document 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:

ANSI American National Standards Institute
ASTM ASTM International
BID background information document
BSER best system of emission reduction
CAA Clean Air Act
CBI Confidential Business Information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CTG Control Techniques Guidelines document
EJ environmental justice
EPA Environmental Protection Agency
FR Federal Register
IBR incorporate by reference
ICR information collection request
km kilometer
Mg megagram
Mg/yr megagrams per year
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NSPS new source performance standards
NTTAA National Technology Transfer and Advancement
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
SIC standard industrial classification
SSM startup, shutdown, and malfunctions
tpy tons per year
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code
VCS voluntary consensus standard
VOC volatile organic compound(s)

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

I. General Information

A. Does this action apply to me?

The source category that is the subject of this final action is surface coating of plastic parts for business machines regulated under CAA section 111 New Source Performance Standards. The 2022 North American Industry Classification System (NAICS) code for the source category is 333310—Commercial and Service Industry Machinery Manufacturing. The NAICS code serves as a guide for readers outlining the type of entities that this final action is likely to affect. The new source performance standards (NSPS) codified in 40 CFR part 60, subpart TTTa, are directly applicable to affected facilities that begin construction, reconstruction, or modification after June 21, 2022, which is the date of publication of the proposed rule in the **Federal Register**. Final amendments to 40 CFR part 60, subpart TTT, are applicable to affected facilities that begin construction, reconstruction, or modification after January 8, 1986, but that begin construction, reconstruction, or modification no later than June 21, 2022. Federal, state, local, and tribal government entities would not be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, you should carefully examine the applicability criteria found in 40 CFR part 60, subparts TTT and TTTa, and consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble, your state air pollution control agency with delegated authority for NSPS, or your EPA Regional Office.

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 is available on the internet at *https://www.epa.gov/stationary-sources-air-pollution/surface-coating-plastic-parts-business-machines-industrial-surface.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the final rule and key technical documents at this same website.

C. Judicial Review and Administrative Review

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 by May 26, 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 ''[o]nly 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 convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to the EPA 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 to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. Environmental Protection Agency, Room 3000, WJC West 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. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this final action?

The EPA's authority for this final rule is CAA section 111, which governs the establishment of standards of performance for stationary sources. Section 111(b)(1)(A) of the CAA requires the EPA Administrator to list categories of stationary sources that in the Administrator's judgment cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The EPA must then issue performance standards for new (and modified or reconstructed) sources in each source category pursuant to CAA section 111(b)(1)(B). These standards are referred to as new source performance standards, or NSPS. The EPA has the authority to define the scope of the source categories, determine the pollutants for which standards should be developed, set the emission level of the standards, and distinguish among classes, types, and sizes within categories in establishing the standards.

CAA section 111(b)(1)(B) requires the EPA to ''at least every 8 years review and, if appropriate, revise'' new source performance standards. However, the Administrator need not review any such standard if the ''Administrator determines that such review is not appropriate in light of readily available information on the efficacy'' of the standard. When conducting a review of an existing performance standard, the EPA has the discretion and authority to add emission limits for pollutants or emission sources not currently regulated for that source category.

In setting or revising a performance standard, CAA section 111(a)(1) provides that performance standards are to reflect ''the degree of emission limitation achievable through the application of the best system of

emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.'' The term ''standard of performance'' in CAA section 111(a)(1) makes clear that the EPA is to determine both the best system of emission reduction (BSER) for the regulated sources in the source category and the degree of emission limitation achievable through application of the BSER. The EPA must then, under CAA section 111(b)(1)(B), promulgate standards of performance for new sources that reflect that level of stringency. CAA section 111(b)(5) precludes the EPA from prescribing a particular technological system that must be used to comply with a standard of performance. Rather, sources can select any measure or combination of measures that will achieve the standard.

Pursuant to the definition of new source in CAA section 111(a)(2), standards of performance apply to facilities that begin construction, reconstruction, or modification after the date of publication of the proposed standards in the **Federal Register**. Under CAA section 111(a)(4), ''modification'' means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted. Changes to an existing facility that do not result in an increase in emissions are not considered modifications. Under the provisions in 40 CFR 60.15, reconstruction means the replacement of components of an existing facility such that: (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and (2) it is technologically and economically feasible to meet the applicable standards. Pursuant to CAA section 111(b)(1)(B), the standards of performance or revisions thereof shall become effective upon promulgation.

B. How does the EPA perform the NSPS review?

As noted in section II.A of this preamble, CAA section 111 requires the EPA, at least every 8 years to review and, if appropriate revise the standards of performance applicable to new, modified, and reconstructed sources. If the EPA revises the standards of performance, they must reflect the degree of emission limitation achievable through the application of the BSER considering the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements. CAA section 111(a)(1).

In reviewing an NSPS to determine whether it is ''appropriate'' to revise the standards of performance, the EPA evaluates the statutory factors, which may include consideration of the following information:

- Expected growth for the source category, including how many new facilities, reconstructions, and modifications may trigger NSPS in the future.
- Pollution control measures, including advances in control technologies, process operations, design or efficiency improvements, or other systems of emission reduction, that are ''adequately demonstrated'' in the regulated industry.
- Available information from the implementation and enforcement of current requirements indicates that emission limitations and percent reductions beyond those required by the current standards are achieved in practice.
- Costs (including capital and annual costs) associated with implementation of the available pollution control measures.
- The amount of emission reductions achievable through application of such pollution control measures.
- Any nonair quality health and environmental impact and energy requirements associated with those control measures.

In evaluating whether the cost of a particular system of emission reduction is reasonable, the EPA considers various costs associated with the particular air pollution control measure or a level of control, including capital costs and operating costs, and the emission reductions that the control measure or particular level of control can achieve. The Agency considers these costs in the context of the industry's overall capital expenditures and revenues. The Agency also considers cost-effectiveness analysis as a useful metric, and a means of evaluating whether a given control achieves emission reduction at a reasonable cost. A cost-effectiveness analysis allows comparisons of relative costs and outcomes (effects) of two or more options. In general, cost-effectiveness is a measure of the outcomes produced by resources spent. In the context of air pollution control options, cost effectiveness typically refers to the annualized cost of implementing an air pollution control option divided by the amount of pollutant reductions realized annually.

After the EPA evaluates the statutory factors, the EPA compares the various systems of emission reductions and determines which system is ''best,'' and therefore represents the BSER. The EPA then establishes a standard of performance that reflects the degree of emission limitation achievable through the implementation of the BSER. In doing this analysis, the EPA can determine whether subcategorization is appropriate based on classes, types, and sizes of sources, and may identify a different BSER and establish different performance standards for each subcategory. The result of the analysis and BSER determination leads to standards of performance that apply to facilities that begin construction, reconstruction, or modification after the date of publication of the proposed standards in the **Federal Register**. Because the new source performance standards reflect the best system of emission reduction under conditions of proper operation and maintenance, in doing its review, the EPA also evaluates and determines the proper testing, monitoring, recordkeeping and reporting requirements needed to ensure compliance with the emission standards.

C. What is this source category regulated in this final action?

The surface coating of plastic parts for business machines was listed as a source category for regulation under section 111 of the CAA in 1986, based on the Administrator's determination that emissions from facilities that surface coat plastic business machine parts cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. See 51 FR 869 (January 8, 1986). The EPA first promulgated new source performance standards for surface coating of plastic parts for business machines on January 29, 1988 (53 FR 2672) (1988 NSPS). These standards of performance are codified in 40 CFR part 60, subpart TTT, and are applicable to sources that commence construction, modification, or reconstruction after January 8, 1986. These standards of performance regulate VOC emissions from each type of coating used at each spray booth during each nominal 1-month period. Subsequent to promulgation of the NSPS, in 1988, the EPA issued a correction because of an inadvertent inclusion of delegable functions in the list of nondelegable functions in 40 CFR 60.726 (53 FR 19300, May 27, 1988). In 1989, the EPA issued a final rule (54 FR 25458, June 15, 1989) to clarify that electromagnetic interference and radio

frequency interference (EMI/RFI) shielding coatings that are applied to the surface of plastic business machine parts to attenuate EMI/RFI signals were exempt from the regulation.

In general, plastic parts are coated to provide color, texture, and protection, improve appearance and durability, attenuate EMI/RFI signals, and conceal mold lines and flaws. Examples of plastic parts specific to the coatings industry sector for the surface coating of plastic parts for business machines include plastic housings for electronic office equipment, such as computers and copy machines, and for medical equipment.[1] Structural foam injection molding and straight injection molding are among predominant forming techniques used to manufacture plastic parts that are used in business machines. The surface coating of plastic parts for business machines may be performed within several industries, including business machine manufacturers, independent plastic molders and coaters, and ''coating only'' shops. Sources that perform surface coating of plastic parts for business machines include job shops that must accommodate a wide variety of coatings and wide range of part shapes.

In the 1986 NSPS proposal and the 1988 NSPS, the EPA identified the spray booth as the affected facility subject to subpart TTT. In the 1986 proposed NSPS, the EPA explained why the spray booth, a narrow and simple equipment grouping, was selected as the affected facility.[2] The term ''spray booth'' means the structure housing the spray application equipment and ancillary equipment associated with the enclosure. It includes not only the enclosure and ventilation system for spray coating but also the spray gun(s) and ancillary equipment such as pumps and hoses associated with the enclosure.[3] The 1988 NSPS applies to these sources regardless of production capacity.

As used in the affected facility (spray booth), the types of coatings subject to VOC emission limits in the 1988 NSPS include prime coats, color coats, texture coats, and touch-up coats. The VOC emission sources covered in the 1988 NSPS are: (1) the spray booths; (2) the flash-off areas; and (3) the curing ovens.[4] According to the regulation at 40 CFR 60.722(b), all VOC emissions that are caused by coatings applied in each affected facility, regardless of the actual point of discharge of emissions into the atmosphere, shall be included in determining compliance with the emission limits. Thus, as the EPA explained in the 1988 NSPS, VOC emissions from the flash-off area and oven are covered by the standards on the basis that the coatings application that takes place in the spray booth is the cause of VOC emissions from the flash-off area and oven.[5]

Typically, a plastic part is surface coated in a spray booth that houses either automatic or manual spray application equipment (one or more spray guns). After being coated, the part is moved, whether manually or by conveyor, to a flash-off area and then to a curing oven. The purpose of the flash-off area is to allow sufficient time for some portion of the solvents from a newly applied coating to evaporate, sometimes between coats, because the coating may not dry correctly unless it is given the recommended flash time. The flash-off area is usually very large and not enclosed, and indoor VOC concentrations resulting from flash-off are typically reduced by dilution ventilation for worker safety.[6] Whether a batch oven or a conveyor oven, the curing oven applies enough heat to the newly coated part to create a chemical reaction that stabilizes the newly applied coating. For surface coating of plastic parts for business machines, coatings are typically cured at a relatively low temperature, near 60 degrees Celsius (140 degrees Fahrenheit).

Regardless of the type of coating in use at a facility that surface coats plastic parts for business machines, approximately 80 percent of total VOC emissions occur in the spray booth. Most of the solvent-laden air in these facilities comes from the spray booth and flash-off areas, and the concentration of VOC in that air is very low because it must be diluted to protect workers from breathing harmful levels of organic solvents. The Occupational Safety and Health Administration (OSHA) has specific requirements for the design and construction of spray booths (see 29 CFR 1910.107(b)) and requires a minimum velocity of air into all openings of a spray booth (see 29 CFR 1910.94(c)(6), table G–10). An induced air flow is maintained in a spray booth not only to keep solvent concentrations at a safe level but also to remove overspray in order to minimize contamination. The VOC from these areas can be captured and ducted to a control device, but the high volume of air and low concentration of VOC make this a costly method of control. For example, the cost of using a thermal incinerator with primary heat recovery to control VOC emissions from the spray booths and flash-off areas for a medium-sized model plant was estimated in the EPA's 1985 document titled *Surface Coating of Plastic Parts for Business Machines—Background Information for Proposed Standards,* EPA–450/3–85–019a, December 1985 (1985 BID), available in the docket for this action, to be $11,000 to $21,000 per megagram (Mg) ($10,000 to $19,000 per ton) of VOC controlled, in 1985 dollars.[7] The specific cost depends in part on the booth ventilation rate.

The EPA proposed the current review of the surface coating of plastic parts for business machines NSPS subpart TTT on June 21, 2022. No comments were received on the proposed revisions associated with the NSPS review, so the EPA is finalizing these amendments as proposed, as follows: Specific to affected facilities that commence construction, modification, or reconstruction after June 21, 2022, the EPA is, in a new subpart TTTa, finalizing the proposed volatile organic compound (VOC) emission limitations for prime, color, texture, and touch-up coating operations. We are also finalizing in subparts TTTa and TTT the proposed requirements for electronic submission of periodic compliance reports. For the new subpart TTTa, which is specific to affected facilities that are constructed, modified, or reconstructed after June 21, 2022, the EPA estimates that over the next 8 years following this final rule, no affected facilities will be new, modified, or reconstructed that perform surface coating of plastic parts for business machines.

III. What changes did we propose for the surface coating of plastic parts for business machines NSPS, and what actions are we finalizing and what is our rationale for such decisions?

On June 21, 2022 (87 FR 36796), the EPA proposed to amend NSPS subpart TTT and add a new NSPS subpart TTTa for the surface coating of plastic parts for business machines. In that action,

[1] Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts, EPA 453/R–94–017, February 1994, p. 2–1.

[2] Proposed rule, ''Standards of Performance for New Stationary Sources: Industrial Surface Coating; Plastic Parts for Business Machines'' (51 FR 854, January 8, 1986) (1986 proposed NSPS) at 862 and 863.

[3] 1986 proposed NSPS, 51 FR 854 at 855 and 862.

[4] In this source category, approximately 80 percent of the emissions occur in the spray booths, 10 percent occur in the flash-off areas, and 10 percent occur in the ovens (1986 proposed NSPS, 51 FR 854 at 858 and 863).

[5] 53 FR 2672 at 2674.

[6] 1986 proposed NSPS, 51 FR 854 at 858 and 863.

[7] 1985 BID, p. 4–14.

we proposed revised emission limit requirements for new, modified, and reconstructed sources in 40 CFR part 60, subpart TTTa. We also proposed testing, recordkeeping, and reporting requirements associated with 40 CFR part 60, subpart TTTa, that include the requirement for electronic submittal of reports. Further, we proposed changes to the reporting requirements associated with 40 CFR part 60, subpart TTT, by including the requirement for electronic submittal of reports.

The EPA is finalizing the proposed revisions to the NSPS for Surface Coating of Plastic Parts for Business Machines pursuant to the CAA section 111(b)(1)(B) review. The EPA is promulgating NSPS revisions in a new subpart, 40 CFR part 60, subpart TTTa. The revised NSPS subpart is applicable to affected sources constructed, modified, or reconstructed after June 21, 2022.The standards of performance in subpart TTTa apply at all times including during periods of startup, shutdown, and malfunction (SSM).

The EPA is also finalizing the proposed revisions to NSPS subpart TTT, which applies to affected sources that are constructed, modified, or reconstructed after January 8, 1986, but that are constructed, modified, or reconstructed no later than June 21, 2022. With these changes, NSPS subpart TTT requires electronic reporting, provides an updated definition of ''business machine,'' and makes new voluntary consensus standards (VCS) available for use as alternatives to EPA Method 24 for industrial surface coating of plastic parts for business machines. These same changes are reflected in new subpart TTTa.

No comments were received on these changes, so the EPA is finalizing these amendments as proposed.

A. Revised NSPS for Surface Coating of Plastic Parts for Business Machines

In its BSER review in the proposed rule, the EPA proposed to determine that a combination of coating formulation and efficiency in application technology represents the updated BSER for surface coating of plastic parts for business machines. Additionally, the EPA proposed to determine that the 2008 Control Techniques Guidelines document's (CTG) VOC emission limits for primer, topcoat, texture coat, and touch-up and repair, which are more stringent than the current NSPS subpart TTT emission limits, represent the degree of emission limitation achievable through application of the updated BSER.

To make this determination, the EPA compared costs and emission reductions for three regulatory options with a baseline of the requirements in the 1988 NSPS subpart TTT. This analysis utilized a representative coating limit for VOC for each of the three regulatory options and estimated the per-facility VOC emission reduction and the cost effectiveness in dollars per ton of VOC reduced for each option. The CTG-based option was found to represent the BSER because it was the most cost effective of the three regulatory options and has been demonstrated in practice. We found no significant nonair quality impacts or energy requirements associated with this BSER determination. More details on the BSER review and determination can be found in the proposed rule preamble, section III.D (87 FR 36796 at 36805).

Based on this BSER review and determination, the EPA is finalizing VOC emission limits in NSPS subpart TTTa for application of coatings onto plastic parts for business machines at affected facilities that commence construction, reconstruction, or modification after June 21, 2022. The finalized NSPS limit VOC emissions from prime coating, color coating, texture coating, and touch-up coating to 1.4 kg VOC/l (12 lb VOC/gal) coating solids applied. Just as in subpart TTT, new subpart TTTa treats fog coating as a type of color coating and applies the same level of VOC emission control to fog coating and other color coating. No comments were received on these changes, so the EPA is finalizing these VOC emission limits as proposed.

The EPA is also finalizing the proposed menu of subpart TTT default transfer efficiency (TE) values and their associated spray applicator types in new subpart TTTa. Further, what the EPA is finalizing in subpart TTTa allows a subpart TTTa affected facility, for a given type of coating application equipment at a given coating operation, to use a different (higher) TE with the Administrator's case-by-case approval. The EPA is also finalizing the case-by-case compliance approaches in the new subpart TTTa. Specifically, facilities are not required to use the formulas and compliance demonstrations based on coating content and TE but can demonstrate compliance using add-on controls if the same VOC emissions reductions are demonstrated to the Administrator. No comments were received on including these provisions in new subpart TTTa, so the EPA is finalizing these amendments as proposed.

B. NSPS Subpart TTTa Without Startup, Shutdown, Malfunctions Exemptions

Consistent with *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the EPA has established standards in this rule that apply at all times. We are finalizing in subpart TTTa specific requirements at § 60.723a that override the general provisions for SSM requirements. In finalizing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained in this section of the preamble, has not finalized alternate standards for those periods. The primary means of controlling VOC emissions from surface coating of plastic parts for business machines is use of low-VOC-content coatings. This means of control is unaffected by startup and shutdown events. No comments were received on the proposed requirements, so these requirements are being finalized as proposed.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead, they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment (40 CFR 60.2). The EPA interprets CAA section 111 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 111 standards. Nothing in CAA section 111 or in case law requires that the EPA consider malfunctions when determining what standards of performance reflect the degree of emission limitation achievable through ''the application of the best system of emission reduction'' that the EPA determines is adequately demonstrated. While the EPA accounts for variability in setting emissions standards, nothing in CAA section 111 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels EPA to consider such events in setting section 111 standards of performance. The EPA's approach to malfunctions in the analogous circumstances (setting ''achievable'' standards under CAA section 112) has been upheld as reasonable by the D.C. Circuit in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

C. Testing and Monitoring Requirements

In performing an NSPS review, the EPA also evaluates and determines the proper testing, monitoring, recordkeeping, and reporting requirements needed to demonstrate compliance with the NSPS. The NSPS at 40 CFR part 60, subpart TTT, lists EPA Method 24 as the method for determination of VOC content of each coating as received. In the alternative, 40 CFR 60.725 allows use of ''other methods . . . to determine the VOC content of each coating if approved by the Administrator before testing.'' In performing this NSPS review, we looked at whether there are voluntary consensus standards (VCS) available and practical for use as alternatives to EPA Method 24 for industrial surface coating of plastic parts for business machines. The results of our initial VCS search, conducted prior to proposal, are provided in the memorandum *Voluntary Consensus Standard Results for New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines,* which is dated April 18, 2022, and is available in the docket for this action. Subsequent to proposal, the EPA learned, the ASTM International (ASTM) approved and published a new method as replacement for one of the methods that we proposed to incorporate by reference (IBR). The new method, designated ASTM D2697–22, approved July 1, 2022, is titled ''Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings.'' Having compared the new method against the method it replaced, ASTM D2697–03 (2014), the EPA notes that use of the new method would likely improve the overall precision of the measurements, as the new method includes prescriptive procedures instead of referencing other procedures. Accordingly, the EPA has concluded that the new method is preferable to its replacement. The complete list of currently acceptable VCS is listed in a revised memorandum, dated November 30, 2022, and available in the docket. The VCS that that the EPA is incorporating by reference (IBR) under 40 CFR 60.17 as potential alternatives to EPA Method 24 are listed in section V.I of this preamble. These changes are being finalized for use with NSPS subparts TTT and TTTa. No comments were received on the proposed acceptable VCS. The EPA is finalizing these changes as proposed, with the exception that one method last reapproved in 2014 is being replaced by a new 2022 method for purposes of IBR in this final rule. This substitution of one method being incorporated by reference does not change any other aspect of what the EPA proposed and is finalizing.

D. Electronic Reporting

The EPA is finalizing the proposed requirement that owners and operators of facilities that perform surface coating of plastic parts for business machines subject to the current and new NSPS at 40 CFR part 60, subparts TTT and TTTa, submit electronic copies of required performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance, through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). For sources subject to subpart TTT, before May 26, 2023, performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance shall be postmarked no later than 10 days after the end of the periods specified in paragraphs (b)(1) and (2) of 40 CFR 60.724. Beginning May 26, 2023, performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance shall be submitted as a portable document format (PDF) upload not later than 10 days after the end of the periods specified in paragraphs (b)(1) and (2) of 40 CFR 60.724, according to paragraph (f) of 40 CFR 60.724. No comments were received on the proposed electronic reporting requirements, so the EPA is finalizing these changes as proposed.

E. Other Final Amendments

The EPA is finalizing the proposed definition of ''business machine'' in subpart TTT, 40 CFR 60.721, that revises the list of example products included within the definition. Specifically, the EPA is deleting the listed Standard Industrial Classification (SIC) codes, which are no longer in use, and is replacing the list of example products that accompanied those SIC codes with a revised list of examples, as follows: ''such as products classified as: electronic computing devices; calculating and accounting machines; telephone equipment; office machines; and photocopy machines.'' Among example products that the EPA is deleting from the definition are typewriters and telegraph equipment, in light of the fact that these machines are far less commonly used than when this definition was first promulgated in 1988. These same changes are reflected in new subpart TTTa. The EPA received no comments on these proposed revisions to the definition of ''business machine'' and so is finalizing these changes as proposed.

F. Effective Date and Compliance Dates

Pursuant to CAA section 111(b)(1)(B), the effective date of the final rule requirements in NSPS subparts TTT and TTTa is the promulgation date. Affected sources that commence construction, reconstruction, or modification after June 21, 2022, must comply with all requirements of subpart TTTa, no later than the effective date of the final rule or upon startup, whichever is later.

IV. Summary of Cost, Environmental, and Economic Impacts

A. What are the air quality impacts?

Based on the EPA's expectation that there will be no new, modified, or reconstructed sources over the next 8 years, we estimate that there will be no reduction in VOC emissions from NSPS subpart TTTa. If a new source were to be constructed, however, there would be a reduction in VOC emissions, because the subpart TTTa emission limits being finalized are more stringent than the subpart TTT emission limits. There would be no emission control cost associated with that hypothetical emission reduction because compliance with the subpart TTTa emission limits can be achieved through use of low-VOC-content coatings that are commercially available.

As described in the proposed rule preamble, for the baseline level of control for the BSER analysis, the EPA used an emission limit of 1.5 kg VOC/l (13 lb VOC/gal) coating solids applied as the representative coating limit, which is the same as the 1988 NSPS VOC emission limit both for prime coating and color coating. Of the three regulatory options that the EPA identified and evaluated in its NSPS review, the EPA found that its 2008 CTG-based option represents the BSER because it is demonstrated in practice and is the most cost-effective option. The EPA used an emission limit of 1.4 kg VOC/l (12 lb VOC/gal) coating solids applied as the representative coating limit for this option, which is derived from the 2008 CTG. The standard for NSPS subpart TTTa, based on this updated BSER, limits VOC emissions from prime coating, color coating, texture coating, and touch-up coating to 1.4 kg VOC/l (12 lb VOC/gal) coating solids applied. Therefore, the potential reduction in VOC emissions to result from NSPS subpart TTTa is estimated at 1.5 Mg/yr (13.0 tpy) per facility based on the BSER analysis in this NSPS review.

B. What are the secondary impacts?

Because we do not anticipate that any source will operate a control device to meet NSPS subpart TTTa requirements, we anticipate no energy impacts (electricity, natural gas consumption, greenhouse gas (GHG) emissions production) or secondary air quality impacts from NSPS subpart TTTa.

C. What are the cost impacts?

Based on the EPA's expectation that there will be no new, modified, or reconstructed sources over the next 8 years, we estimate that there will be no capital or annual costs incurred to comply with NSPS subpart TTTa in the 8-year period after the rule is final.

We anticipate minimal cost impacts on sources subject to NSPS subpart TTT. The EPA estimates a total cost of $828 ($276 per source), for sources subject to subpart TTT to become familiar with the CDX and CEDRI systems used to comply with the requirement to submit reports electronically. The labor costs (2 hours per source) would occur only in the first year following promulgation of the amendments to NSPS subpart TTT.

D. What are the economic impacts?

The EPA conducted an economic impact analysis for this review, as detailed in the memorandum *Economic Impact Analysis for the Proposed New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines,* which is available in the docket for this action.

The economic impacts of this finalized rule are expected to be minimal. The only incremental costs are associated with the electronic report submission requirements for the three existing facilities affected by subpart TTT. The EPA estimates total costs for this rule of $828 in 2021 dollars, which will be incurred in the first year following promulgation of the rule. No other costs are expected in the 8 years following promulgation of this rule other than these Year 1 costs. Because the estimated compliance costs are minimal, this rule is not expected to result in market impacts, regardless of whether costs are passed on to consumers or absorbed by affected firms.

Two of the three facilities affected by this rule are owned by small entities. However, neither small entity is expected to incur significant cost impacts based on a comparison of the Year 1 facility-level compliance costs to the annual sales revenues (*i.e.,* cost-to-sales ratios) of the two small parent companies. Thus, this rule will not have a significant economic impact on a substantial number of small entities.

E. What are the benefits?

The requirements in subpart TTT and new subpart TTTa to submit reports and test results electronically will improve monitoring, compliance, and implementation of the rule. Based on the EPA's expectation that there will be no new, modified, or reconstructed sources over the next 8 years, we estimate that there will be no reduction in VOC emissions from NSPS subpart TTTa. If a new source were to be constructed, however, there would be a reduction in VOC emissions, because the subpart TTTa emission limits are more stringent than the subpart TTT emission limits.

Reducing emissions of VOC is expected to help reduce ambient concentrations of ground level ozone and increase compliance with the National Ambient Air Quality Standards (NAAQS) for ozone. A quantitative analysis of the impacts on the NAAQS in the areas located near hypothetical new sources that perform surface coating of plastic parts for business machines would be technically complicated, resource intensive, and infeasible to perform in the time available, and would not represent the impacts for new, modified, and reconstructed affected facilities because the locations of those sources are currently unknown. For these reasons, we did not perform a quantitative analysis. However, currently available health effects evidence supporting the December 23, 2020, final decision for the ozone NAAQS continues to support the conclusion that ozone can cause difficulty breathing and other respiratory system effects. For people with asthma, these effects can lead to emergency room visits and hospital admissions. Exposure over the long term may lead to the development of asthma. People most at risk from breathing air containing ozone include people with asthma, children, the elderly, and outdoor workers. For children, exposure to ozone increases their risk of asthma attacks while playing, exercising, or engaging in strenuous activities outdoors.

F. What analysis of environmental justice did we conduct?

Consistent with the EPA's commitment to integrating EJ in the Agency's actions, and following the directives set forth in multiple Executive orders, the Agency has conducted an analysis of the demographic groups living near existing facilities in the surface coating of plastic parts for business machines source category. Because this rule will affect new, modified, or reconstructed facilities that commence construction after June 21, 2022, we are not able to identify the location of those future new, modified, or reconstructed facilities. We anticipate that a total of three existing facilities will be affected by NSPS at 40 CFR part 60, subpart TTT, in the next 8 years and that no facilities will be affected by NSPS at 40 CFR part 60, subpart TTTa, in the next 8 years. For the demographic proximity analysis, we analyzed populations living near existing facilities to serve as a proxy of potential populations living near future facilities. The preamble for the proposed rule (87 FR 36796, June 21, 2022) indicated that the following demographic group was above the national average at the 5 kilometer (km) radius: People without a high school diploma. The analysis of the final rule remains unchanged from proposal. Therefore, the Agency used results from the proposal analysis to assess EJ impacts for this final rule.

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 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.

Because this action finalizes standards of performance for new, modified, and reconstructed sources that commence construction after June 21, 2022, the locations of the construction of new facilities that perform surface coating of plastic parts for business machines are not known. In addition, it is not known which of the existing facilities will be modified or reconstructed in the future. Therefore, the demographic analysis was conducted for the three existing facilities as a characterization of the demographics in areas where these facilities are now located.

The results of the demographic analysis can be found in section V.J of the proposed rule's preamble (see 87 FR 36796 at 36813) and are summarized in this document. 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 three existing facilities, the percent of the population that is categorized as people of color (being the total population minus the white population) is below the national average (23 percent versus 40 percent). The percent of people living below the poverty level is below the national average (10 percent versus 13 percent). The percent of the population over 25 without a high school diploma (13 percent) and the percent of the population in linguistic isolation (5 percent) are similar to the corresponding national averages (12 percent and 5 percent, respectively).

The results of the analysis of populations within 50 km of the three existing facilities show that the percent of the population that is categorized as people of color (being the total population minus the white population) is significantly below the national average (29 percent versus 40 percent). However, the percent of the population that is African American (17 percent) is higher than the national average (12 percent). All other demographic subgroups within people of color are below the corresponding national averages. The percent of people living below the poverty level is slightly above the national average (14 percent versus 13 percent). The percent of the population over 25 without a high school diploma (10 percent) and the percent of the population in linguistic isolation (2 percent) were below the corresponding national averages (12 percent and 5 percent, respectively).

The methodology and the results of the demographic analysis are presented in a technical report, ''Analysis of Demographic Factors for Populations Living Near Surface Coating of Plastic Parts for Business Machines,'' available in the docket for this action (Docket ID No. EPA–HQ–OAR–2021–0200).

The EPA expects that the NSPS for Industrial Surface Coating of Plastic Parts for Business Machines subpart TTT and new subpart TTTa will ensure compliance via testing, monitoring, recordkeeping and reporting, and that the new subpart TTTa will ensure compliance with the standards at all times (including periods of startup, shutdown, and malfunctions). The rule will also increase data transparency through electronic reporting. Therefore, effects of emissions on populations in proximity to any future affected sources, including in communities potentially overburdened by pollution, which are often people of color and low-income and indigenous communities, will be minimized due to the compliance with the standards of performance being finalized in this action.

V. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 1093.15. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The ICR is specific to information collection associated with the source category referred to as surface coating of plastic parts for business machines, through 40 CFR part 60, subparts TTT and TTTa. As part of the NSPS review, the EPA is finalizing emission limit requirements for new, modified, and reconstructed sources in 40 CFR part 60, subpart TTTa. We are also finalizing testing, recordkeeping, and reporting requirements associated with 40 CFR part 60, subpart TTTa, that include the requirement for electronic submittal of reports. Further, we are finalizing changes to the reporting requirements associated with 40 CFR part 60, subpart TTT, by including the requirement for electronic submittal of reports. This information is being collected to assure compliance with 40 CFR part 60, subparts TTT and TTTa.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of facilities performing surface coating of plastic parts for business machines subject to 40 CFR part 60, subparts TTT and TTTa.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts TTT and TTTa).

Estimated number of respondents: In the 3 years after the amendments are final, approximately 3 respondents per year will be subject to the NSPS at 40 CFR part 60, subpart TTT, and approximately 0 respondents per year will be subject to the NSPS as 40 CFR part 60, subpart TTTa.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule requirements, reports of performance tests, quarterly reports of noncompliance, and semiannual statements of compliance.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NSPS subpart TTT and NSPS subpart TTTa over the 3 years after the rule is final is estimated to be 2 hours (per year). The average annual burden to the Agency over the 3 years after the rule is final is estimated to be 0 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The average annual cost to facilities that perform surface coating of plastic parts for business machines is $276 in labor costs in the first 3 years after the rule is final. The average annual capital and operation and maintenance cost is $0. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be $0.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will

announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

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. Details of the analysis in support of this determination are presented in the memorandum *Economic Impact Analysis for the Proposed New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines,* which is available in the docket for this action. The annualized costs associated with the requirements in this action for the affected small entities are described in section IV.C of this preamble.

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. 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. It will neither impose substantial direct compliance costs on federally recognized tribal governments nor preempt tribal law, and it does not have substantial direct effects 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 in Executive Order 13175 (65 FR 67249, November 9, 2000). No tribal facilities are known to be engaged in the industry that would be affected by this action nor are there any adverse health or environmental effects from this action. However, the EPA conducted a proximity analysis for this source category and found that one affected facility is located within 50 miles of tribal lands. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA offered consultation with tribal officials during the development of this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. No health or risk assessments were performed for this action. As described in section IV.E of this preamble, the EPA estimates that there will be no reduction in VOC emissions from NSPS subpart TTTa. If a new source were to be constructed, however, there would be a reduction in VOC emissions, because the subpart TTTa emission limits are more stringent than the subpart TTT emission limits.

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. This action is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, sources will be able to achieve the level of control in NSPS subpart TTTa entirely through use of a variety of currently available coating formulations, without operation of a control device to meet the standards.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. Therefore, the EPA conducted searches through the Enhanced National Standards Systems Network (NSSN) Database managed by the American National Standards Institute (ANSI) to determine if there are VCS that are relevant to this action. The Agency also contacted VCS organizations and accessed and searched their databases. Searches were conducted for EPA Method 24.

During the search, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to the EPA's reference method, the EPA considered it as a potential equivalent method. All potential standards were reviewed to determine the practicality of the VCS for this rule. This review requires significant method validation data which meets the requirements of the EPA Method 301 for accepting alternative methods or scientific, engineering and policy equivalence to procedures in the EPA reference methods. The EPA may reconsider determinations of impracticality when additional information is available for particular VCS. As a result, the EPA is amending 40 CFR 60.17 to incorporate by reference the following VCS:

- ASTM D2369–20, ''Standard Test Method for Volatile Content of Coatings'' is a test method that allows for more accurate results for multi-component chemical resistant coatings and is an alternative to EPA Method 24.
- ASTM Method D2697–22, ''Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings'' is a test method that can be used to determine the volume of nonvolatile matter in clear and pigmented coatings and is an alternative to EPA Method 24.
- ASTM Method D6093–97 (Reapproved 2016) ''Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer'' is a test method that can be used to determine the percent volume of nonvolatile matter in clear and pigmented coatings and is an alternative to EPA Method 24.

We also identified VCS ASTM D2111–10 (2015), ''Standard Test Methods for Specific Gravity of Halogenated Organic Solvents and Their Admixtures,'' as an acceptable alternative to EPA Method 24. This ASTM standard can be used to determine the density for the specific coatings (halogenated organic solvents) cited using Method B (pycnometer) only (as in ASTM 1217). We are not incorporating by reference this VCS because facilities that perform surface coating of plastic parts for business machines do not use halogenated organic solvents, based on our knowledge of the industry.

The ASTM standards (methods) are available for purchase individually through the American National Standards Institute (ANSI) Webstore, *https://webstore.ansi.org.* Telephone (212) 642–4980 for customer service.

Additional information for the VCS search and determinations can be found in the memorandum *Voluntary Consensus Standard Results for New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines Revised,*

which is dated November 30, 2022, and is available in the docket for this action.

Under 40 CFR 60.8(b) and 60.13(i) of the general provisions, a source may apply to the EPA to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications or procedures in the final rule or any amendments.

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

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

The EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on people of color, low-income populations, and/or indigenous peoples. See section IV.F of this preamble for additional details on the analysis of the distribution of the demographic groups living near existing facilities in the surface coating of plastic parts for business machines source category conducted by the EPA.

The EPA believes that this action is not likely to result in new disproportionate and adverse effects on people of color, low-income populations, and/or indigenous peoples. Based on the EPA's determination that there will be no new, modified, or reconstructed sources over the next 8 years, we estimate that there will be no reduction in VOC emissions from the new NSPS subpart TTTa. If a new source were to be constructed at a future date, the emission limits in subpart TTTa reflect the BSER demonstrated and establish a new more stringent standard of performance for the primary sources of VOC emissions from the source category. Thus, if a source were to be constructed, modified, or reconstructed, the EPA expects that the requirements in subpart TTTa will result in VOC emission reductions for communities surrounding the affected subpart TTTa sources compared to the existing rule in subpart TTT and will result in lower VOC emissions for communities located in areas designated as ozone non-attainment areas. These areas are already overburdened by pollution.

K. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Michael S. Regan,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency is amending part 60 of title 40, chapter I, of the Code of Federal Regulations as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Amend § 60.17 by:
■ a. Redesignating paragraphs (h)(179) through (214) as paragraphs (h)(182) through (217);
■ b. Redesignating paragraphs (h)(108) through (178) as paragraphs (h)(110) through (180);
■ c. Redesignating paragraphs (h)(96) through (107) as paragraphs (h)(97) through (108); and
■ d. Adding new paragraphs (h)(96), (109), and (181).

The additions read as follows:

§ 60.17 Incorporations by reference.

* * * * *

(h) * * *

(96) ASTM D2369–20, *Standard Test Method for Volatile Content of Coatings,* Approved June 1, 2020; IBR approved for §§ 60.723(b)(1), 60.724(a)(2), 60.725(b), 60.723a(b)(1), 60.724a(a)(2), and 60.725a(b).

* * * * *

(109) ASTM D2697–22, *Standard Test Method for Volume Nonvolatile Matter in Clear or Pigmented Coatings,* Approved July 1, 2022; IBR approved for §§ 60.723(b)(1), 60.724(a)(2), 60.725(b), 60.723a(b)(1), 60.724a(a)(2), and 60.725a(b).

* * * * *

(181) ASTM D6093–97 (Reapproved 2016), *Standard Test Method for Percent Volume Nonvolatile Matter in Clear or Pigmented Coatings Using a Helium Gas Pycnometer,* Approved December 1, 2016; IBR approved for §§ 60.723(b)(1), 60.724(a)(2), 60.725(b), 60.723a(b)(1), 60.724a(a)(2), and 60.725a(b).

* * * * *

Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines

■ 3. Amend § 60.720 by revising paragraph (b) to read as follows:

§ 60.720 Applicability and designation of affected facility.

* * * * *

(b) This subpart applies to any affected facility for which construction, modification, or reconstruction begins after January 8, 1986, but before June 21, 2022.

■ 4. Amend § 60.721 by revising the definition of ''Business machine'' in paragraph (a) to read as follows:

§ 60.721 Definitions.

(a) * * *

Business machine means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, such as products classified as: electronic computing devices; calculating and accounting machines; telephone equipment; office machines; and photocopy machines.

* * * * *

■ 5. Amend § 60.723 by:
■ a. Revising paragraphs (a) and (b)(1);
■ b. In paragraph (b)(2)(i)(C), removing the text ''table 1'' and adding, in its place, the text ''table 1 to paragraph (b)(2)(i)(D) of this section''; and
■ c. Revising paragraphs (b)(2)(i)(D) and (b)(2)(i)(E) and the last sentence of paragraph (b)(2)(iv).

The revisions read as follows:

§ 60.723 Performance tests and compliance provisions.

(a) Section 60.8(d) through (i) do not apply to the performance test procedures required by this section.

(b) * * *

(1) The owner or operator shall determine the composition of coatings by analysis of each coating, as received, using Method 24 of appendix A–7 to this part or an acceptable alternative method, from data that have been determined by the coating manufacturer using Method 24 or an acceptable

alternative method. Acceptable alternative methods to Method 24 include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

(2) * * *

(i) * * *

(D) Where more than one application method is used within a single coating operation, the owner or operator shall determine the volume of each coating applied by each method through a means acceptable to the Administrator and compute the volume-weighted average transfer efficiency by the following equation:

Equation 3 to Paragraph (b)(2)(i)(D)

$$T_{avg} = \frac{\sum_{i=1}^{n} \sum_{k=1}^{p} L_{c1k} V_{s1k} T_k}{L_s}$$

Where n is the number of coatings of each type used and p is the number of application methods used.

TABLE 1 TO PARAGRAPH (b)(2)(i)(D)—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency	Type of coating
(*1*) Air atomized spray	0.25	Prime, color, texture, touch-up, and fog coats.
(*2*) Air-assisted airless spray	0.40	Prime and color coats.
(*3*) Electrostatic air spray	0.40	Prime and color coats.

(E) Calculate the volume-weighted average mass of VOC's emitted per unit volume of coating solids applied (N) during each nominal 1-month period for each coating operation for each affected facility by the following equation:

Equation 4 to Paragraph (b)(2)(i)(E)

$$N = \frac{M_o + M_d}{L_s T_{avg}}$$

Where T_{avg} = T when only one type of coating operation occurs.

* * * * *

(iv) * * * In such cases, compliance will be determined by the Administrator on a case-by-case basis.

■ 6. Amend § 60.724 by:

■ a. Revising paragraphs (a)(2), (c), and (e); and

■ b. Adding paragraphs (f) and (g).

The revisions and additions read as follows:

§ 60.724 Reporting and recordkeeping requirements.

(a) * * *

(2) For each affected facility where compliance is determined under the provisions of § 60.723(b)(2)(iii), a list of the coatings used during the initial nominal 1-month period, the VOC content of each coating calculated from data determined using Method 24 of appendix A–7 to this part or an acceptable alternative method, and the lowest transfer efficiency at which each coating is applied during the initial nominal 1-month period. Acceptable alternative methods to Method 24 include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

* * * * *

(c) Before May 26, 2023, performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance shall be postmarked not later than 10 days after the end of the periods specified in paragraphs (b)(1) and (2) of this section. Beginning May 26, 2023, performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance shall be submitted as a portable document format (PDF) upload not later than 10 days after the end of the periods specified in paragraphs (b)(1) and (2) of this section, according to paragraph (f) of this section.

* * * * *

(e) Monitoring, reporting, and recordkeeping requirements for facilities using add-on controls will be determined by the Administrator on a case-by-case basis.

(f) Beginning May 26, 2023, the owner or operator must submit all subsequent performance test reports, quarterly reports of noncompliance, and semiannual statements in PDF format to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as Confidential Business Information (CBI). Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report, you must submit a complete file, including information claimed to be CBI, to the EPA following the procedures in paragraphs (f)(1) and (2) of this section. Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data

available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph (f).

(1) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described in this paragraph (f), should include clear CBI markings and be flagged to the attention of the Surface Coating of Plastic Parts for Business Machines Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(2) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Surface Coating of Plastic Parts for Business Machines Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(3) If you are required to electronically submit a notification or report by this paragraph (f) through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the electronic submittal requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (f)(3)(i) through (vii) of this section.

(i) You must have been or will be precluded from accessing CEDRI and submitting a required notification or report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(ii) The outage must have occurred within the period of time beginning 5 business days prior to the date that the notification or report is due.

(iii) The outage may be planned or unplanned.

(iv) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(v) You must provide to the Administrator a written description identifying:

(A) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(B) A rationale for attributing the delay in submitting beyond the regulatory deadline to EPA system outage;

(C) Measures taken or to be taken to minimize the delay in submitting; and

(D) The date by which you propose to submit, or if you have already met the electronic submittal requirement in this paragraph (f) at the time of the notification, the date you submitted the notification or report.

(vi) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(vii) In any circumstance, the notification or report must be submitted electronically as soon as possible after the outage is resolved.

(4) If you are required to electronically submit a notification or report by this paragraph (f) through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the electronic submittal requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (f)(4)(i) through (v) of this section.

(i) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a notification or report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(ii) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in submitting through CEDRI.

(iii) You must provide to the Administrator:

(A) A written description of the force majeure event;

(B) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(C) Measures taken or to be taken to minimize the delay in reporting; and

(D) The date by which you propose to submit the notification or report, or if you have already met the electronic submittal requirement in this paragraph (f) at the time of the notification, the date you submitted the notification or report.

(iv) The decision to accept the claim of force majeure and allow an extension to the submittal deadline is solely within the discretion of the Administrator.

(v) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

(g) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 7. Amend § 60.725 by revising paragraph (b) to read as follows:

§ 60.725 Test methods and procedures.

* * * * *

(b) Other methods may be used to determine the VOC content of each coating if approved by the Administrator before testing. Acceptable alternative methods to Method 24 of appendix A–7 to this part include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

■ 8. Amend § 60.726 by revising paragraph (b) to read as follows:

§ 60.726 Delegation of authority.

* * * * *

(b) Authorities which will not be delegated to the States:

(1) Section 60.723(b)(1).

(2) Section 60.723(b)(2)(i)(C).

(3) Section 60.723(b)(2)(iv).

(4) Section 60.724(b).

(5) Section 60.724(e).

(6) Section 60.724(f).

(7) Section 60.725(b).

■ 9. Add subpart TTTa, consisting of §§ 60.720a through 60.726a, to read as follows:

Subpart TTTa—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022

Sec.

§ 60.720a Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats.

(b) This subpart applies to any affected facility for which construction, modification, or reconstruction begins after June 21, 2022.

§ 60.721a Definitions.

(a) As used in this subpart, all terms not defined in this subpart shall have the meaning given them in the Act or in subpart A of this part.

Business machine means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, such as products classified as: electronic computing devices; calculating and accounting machines; telephone equipment; office machines; and photocopy machines.

Coating operation means the use of a spray booth for the application of a single type of coating (*e.g.,* prime coat); the use of the same spray booth for the application of another type of coating (*e.g.,* texture coat) constitutes a separate coating operation for which compliance determinations are performed separately.

Coating solids applied means the coating solids that adhere to the surface of the plastic business machine part being coated.

Color coat means the coat applied to a part that affects the color and gloss of the part, not including the prime coat or texture coat. This definition includes fog coating, but does not include conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.

Conductive sensitizer means a coating applied to a plastic substrate to render it conductive for purposes of electrostatic application of subsequent prime, color, texture, or touch-up coats.

Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coating means a conductive coating that is applied to a plastic substrate to attenuate EMI/RFI signals.

Fog coating (also known as mist coating and uniforming) means a thin coating applied to plastic parts that have molded-in color or texture or both to improve color uniformity.

Nominal 1-month period means either a calendar month, 30-day month, accounting month, or similar monthly time period that is established prior to the performance test (*i.e.,* in a statement submitted with notification of anticipated actual startup pursuant to § 60.7(2)).

Plastic parts means panels, housings, bases, covers, and other business machine components formed of synthetic polymers.

Prime coat means the initial coat applied to a part when more than one coating is applied, not including conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.

Spray booth means the structure housing automatic or manual spray application equipment where a coating is applied to plastic parts for business machines.

Texture coat means the rough coat that is characterized by discrete, raised spots on the exterior surface of the part. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.

Touch-up coat means the coat applied to correct any imperfections in the finish after color or texture coats have been applied. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.

Transfer efficiency means the ratio of the amount of coating solids deposited onto the surface of a plastic business machine part to the total amount of coating solids used.

VOC emissions means the mass of VOC's emitted from the surface coating of plastic parts for business machines expressed as kilograms of VOC's per liter of coating solids applied (*i.e.,* deposited on the surface).

(b) All symbols used in this subpart not defined in this paragraph (b) are given meaning in the Act or subpart A of this part.

D_c = density of each coating as received (kilograms per liter).

D_d = density of each diluent VOC (kilograms per liter).

L_c = the volume of each coating consumed, as received (liters).

L_d = the volume of each diluent VOC added to coatings (liters).

L_s = the volume of coating solids consumed (liters).

M_d = the mass of diluent VOC's consumed (kilograms).

M_o = the mass of VOC's in coatings consumed, as received (kilograms).

N = the volume-weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter).

T = the transfer efficiency for each type of application equipment used at a coating operation (fraction).

T_{avg} = the volume-weighted average transfer efficiency for a coating operation (fraction).

V_s = the proportion of solids in each coating, as received (fraction by volume).

W_o = the proportion of VOC's in each coating, as received (fraction by weight).

§ 60.722a Standards for volatile organic compounds.

(a) Each owner or operator of any affected facility which is subject to the requirements of this subpart shall comply at all times with the emission limitations set forth in this section on and after the date on which the initial performance test, required by §§ 60.8 and 60.723 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial startup, whichever date comes first. No affected facility shall cause the discharge into the atmosphere in excess of:

(1) 1.4 kilograms of VOC's per liter of coating solids applied from prime coating of plastic parts for business machines.

(2) 1.4 kilograms of VOC's per liter of coating solids applied from color coating of plastic parts for business machines.

(3) 1.4 kilograms of VOC's per liter of coating solids applied from texture coating of plastic parts for business machines.

(4) 1.4 kilograms of VOC's per liter of coatings solids applied from touch-up coating of plastic parts for business machines.

(b) All VOC emissions that are caused by coatings applied in each affected facility, regardless of the actual point of discharge of emissions into the atmosphere, shall be included in determining compliance with the

emission limits in paragraph (a) of this section.

§ 60.723a Performance tests and compliance provisions.

(a) Section 60.8(c) through (i) do not apply to the performance test procedures required by this section.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each nominal 1-month period for each affected facility according to the procedures in this section.

(1) The owner or operator shall determine the composition of coatings by analysis of each coating, as received, using Method 24 of appendix A–7 to this part or an acceptable alternative method, from data that have been determined by the coating manufacturer using Method 24 or an acceptable alternative method. Acceptable alternative methods to Method 24 include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

(2) The owner or operator shall determine the volume of coating and the mass of VOC used for dilution of coatings from company records during each nominal 1-month period. If a common coating distribution system serves more than one affected facility or serves both affected and nonaffected spray booths, the owner or operator shall estimate the volume of coatings used at each facility by using procedures approved by the Administrator.

(i) The owner or operator shall calculate the volume-weighted average mass of VOC's in coatings emitted per unit volume of coating solids applied (N) at each coating operation [*i.e.,* for each type of coating (prime, color, texture, and touch-up) used] during each nominal 1-month period for each affected facility. Each 1-month calculation is considered a performance test. Except as provided in paragraph (b)(2)(iii) of this section, N will be determined by the following procedures:

(A) Calculate the mass of VOC's used ($M_o + M_d$) for each coating operation during each nominal 1-month period for each affected facility by the following equation:

Equation 1 to Paragraph (b)(2)(i)(A)

$$M_o + M_d = \sum_{i=1}^{n} L_{ci} D_{ci} W_{oi} + \sum_{j=1}^{m} L_{dj} D_{dj}$$

Where n is the number of coatings of each type used during each nominal 1-month period and m is the number of different diluent VOC's used during each nominal 1-month period. ($\Sigma L_{dj} D_{dj}$ will be 0 if no VOC's are added to the coatings, as received.)

(B) Calculate the total volume of coating solids consumed (L_s) in each nominal 1-month period for each coating operation for each affected facility by the following equation:

Equation 2 to Paragraph (b)(2)(i)(B)

$$L_s = \sum_{i=1}^{n} L_{ci} V_{si}$$

Where n is the number of coatings of each type used during each nominal 1-month period.

(C) Select the appropriate transfer efficiency (T) from table 1 to paragraph (b)(2)(i)(D) of this section for each type of coating applications equipment used at each coating operation. If the owner or operator can demonstrate to the satisfaction of the Administrator that transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiency values for application methods not listed in table 1 to paragraph (b)(2)(i)(D) shall be approved by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the validity of the transfer efficiency claims.

(D) Where more than one application method is used within a single coating operation, the owner or operator shall determine the volume of each coating applied by each method through a means acceptable to the Administrator and compute the volume-weighted average transfer efficiency by the following equation:

Equation 3 to Paragraph (b)(2)(i)(D)

$$T_{avg} = \frac{\sum_{i=1}^{n} \sum_{k=1}^{p} L_{cik} V_{sik} T_k}{L_s}$$

Where n is the number of coatings of each type used and p is the number of application methods used.

TABLE 1 TO PARAGRAPH (b)(2)(i)(D)—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency	Type of coating
(*1*) Air atomized spray	0.25	Prime, color, texture, touch-up, and fog coats.
(*2*) Air-assisted airless spray	0.40	Prime and color coats.
(*3*) Electrostatic air spray	0.40	Prime and color coats.

(E) Calculate the volume-weighted average mass of VOC's emitted per unit volume of coating solids applied (N) during each nominal 1-month period for each coating operation for each affected facility by the following equation:

Equation 4 to Paragraph (b)(2)(i)(E)

$$N = \frac{M_o + M_d}{L_s T_{avg}}$$

Where T_{avg} = T when only one type of coating operation occurs.

(ii) Where the volume-weighted average mass of VOC's emitted to the atmosphere per unit volume of coating solids applied (N) is less than or equal to 1.5 kilograms per liter for prime coats, is less than or equal to 1.5 kilograms per liter for color coats, is less than or equal to 2.3 kilograms per liter for texture coats, and is less than or equal to 2.3 kilograms per liter for touch-up coats, the affected facility is in compliance.

(iii) If each individual coating used by an affected facility has a VOC content (kg VOC/l of solids), as received, which when divided by the lowest transfer efficiency at which the coating is applied for each coating operation results in a value equal to or less than 1.5 kilograms per liter for prime and color coats and equal to or less than 2.3 kilograms per liter for texture and touch-up coats, the affected facility is in compliance provided that no VOC's are added to the coatings during distribution or application.

(iv) If an affected facility uses add-on controls to control VOC emissions and if the owner or operator can demonstrate to the Administrator that the volume-weighted average mass of VOC's emitted to the atmosphere during each nominal 1-month period per unit volume of coating solids applied (N) is within each of the applicable limits expressed in paragraph (b)(2)(ii) of this section because of this equipment, the affected facility is in compliance. In such cases, compliance will be determined by the Administrator on a case-by-case basis.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests.

§ 60.724a Reporting and recordkeeping requirements.

(a) The reporting requirements of § 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided for in paragraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for the initial nominal 1-month period for each coating operation from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.723(b)(2)(iii), a list of the coatings used during the initial nominal 1-month period, the VOC content of each coating calculated from data determined using Method 24 of appendix A–7 to this part or an acceptable alternative method, and the lowest transfer efficiency at which each coating is applied during the initial nominal 1-month period. Acceptable alternative methods to Method 24 include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

(b) Following the initial report, each owner or operator shall:

(1) Report the volume-weighted average mass of VOC's per unit volume of coating solids applied for each coating operation for each affected facility during each nominal 1-month period in which the facility is not in compliance with the applicable emission limits specified in § 60.722. Reports of noncompliance shall be submitted on a quarterly basis, occurring every 3 months following the initial report; and

(2) Submit statements that each affected facility has been in compliance with the applicable emission limits specified in § 60.722 during each nominal 1-month period. Statements of compliance shall be submitted on a semiannual basis.

(c) Performance test reports, quarterly reports of noncompliance, and semiannual statements of compliance shall be submitted as a portable document format (PDF) upload not later than 10 days after the end of the periods specified in paragraphs (b)(1) and (2) of this section, according to paragraph (f) of this section.

(d) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine monthly VOC emissions from each coating operation for each affected facility as specified in § 60.7(d).

(e) Monitoring, reporting and recordkeeping requirements for facilities using add-on controls will be determined by the Administrator on a case-by-case basis.

(f) The owner or operator must submit all performance test reports, quarterly reports of noncompliance, and semiannual statements in PDF format to the EPA viathe Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as Confidential Business Information (CBI). Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report, you must submit a complete file, including information claimed to be CBI, to the EPA following the procedures in paragraphs (f)(1) and (2) of this section. Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c),

emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph (f).

(1) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described in this paragraph (f), should include clear CBI markings and be flagged to the attention of the Surface Coating of Plastic Parts for Business Machines Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link.

(2) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Surface Coating of Plastic Parts for Business Machines Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

(3) If you are required to electronically submit a notification or report by this paragraph (f) through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the electronic submittal requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (f)(3)(i) through (vii) of this section.

(i) You must have been or will be precluded from accessing CEDRI and submitting a required notification or report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(ii) The outage must have occurred within the period of time beginning 5 business days prior to the date that the notification or report is due.

(iii) The outage may be planned or unplanned.

(iv) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(v) You must provide to the Administrator a written description identifying:

(A) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(B) A rationale for attributing the delay in submitting beyond the regulatory deadline to EPA system outage;

(C) Measures taken or to be taken to minimize the delay in submitting; and

(D) The date by which you propose to submit, or if you have already met the electronic submittal requirement in this paragraph (f) at the time of the notification, the date you submitted the notification or report.

(vi) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(vii) In any circumstance, the notification or report must be submitted electronically as soon as possible after the outage is resolved.

(4) If you are required to electronically submit a notification or report by this paragraph (f) through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the electronic submittal requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (f)(4)(i) through (v) of this section.

(i) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a notification or report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(ii) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in submitting through CEDRI.

(iii) You must provide to the Administrator:

(A) A written description of the force majeure event;

(B) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(C) Measures taken or to be taken to minimize the delay in reporting; and

(D) The date by which you propose to submit the notification or report, or if you have already met the electronic submittal requirement in this paragraph (f) at the time of the notification, the date you submitted the notification or report.

(iv) The decision to accept the claim of force majeure and allow an extension to the submittal deadline is solely within the discretion of the Administrator.

(v) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

(g) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

§ 60.725a Test methods and procedures.

(a) The reference methods in appendix A to this part except as provided under § 60.8(b) shall be used to determine compliance with § 60.722 as follows:

(1) Method 24 of appendix A–7 to this part for determination of VOC content of each coating as received.

(2) For Method 24, the sample must be at least a 1-liter sample in a 1-liter container.

(b) Other methods may be used to determine the VOC content of each coating if approved by the Administrator before testing. Acceptable alternative methods to Method 24 include: ASTM D2369–20; ASTM D2697–22; and ASTM D6093–97 (all incorporated by reference; see § 60.17).

§ 60.726a Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to the States:

(1) Section 60.723a(b)(1).
(2) Section 60.723a(b)(2)(i)(C).
(3) Section 60.723a(b)(2)(iv).
(4) Section 60.724a(b).
(5) Section 60.724a(e).
(6) Section 60.724a(f).
(7) Section 60.725a(b).

[FR Doc. 2023–04966 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–151; RM–11927; DA 23–229; FR ID 133158]

Television Broadcasting Services Hampton, Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 13, 2022, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by WVEC Television, LLC (Petitioner), the licensee of WVEC (Station or WVEC), channel 11, Hampton, Virginia, requesting the substitution of channel 35 for channel 11at Hampton in the Table of TV Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends Federal Communications Commission (FCC) regulations to substitute channel 35 for channel 11 at Hampton.

DATES: Effective March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 87 FR 23154 on April 19, 2022. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 35. No other comments were filed.

The Bureau believes the public interest would be served by substituting channel 35 for channel 11 at Hampton, Virginia. The Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances. According to the Petitioner, it has received many complaints from viewers unable to receive a reliable signal on channel 11, despite being able to receive the NBC, CBS, and FOX network affiliates in the Norfolk, Virginia, market, all of which operate on UHF channels. The proposed channel change would not cause any loss of service to viewers of WVEC's existing coverage area. The proposed channel 35 facility causes 1.38 percent interference to WFMY–TV, Greensboro, North Carolina, in excess of the amount allowed in the Commission's rules. That station is also owned by the Petitioner and it provides an Interference Acceptance Consent letter from the station agreeing to accept the interference from the proposed channel 35 facility as Exhibit C to the Rulemaking Petition. In addition, the proposed facility was predicted to cause prohibited interference to WYSJ–CD, Yorktown, Virginia. An application for minor modification to co-locate WYSJ–CD with WVEC's proposed channel 35 facility (LMS File No. 0000188559), eliminating the adjacent-channel interference, was granted simultaneously with the issuance of the Order. *See NPRM* at para. 3, n.7.

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 22–151; RM–11927; DA 23–229, adopted March 16, 2023, and released March 16, 2023. The full text of this document is available for download at *https://www.fcc.gov/edocs.* 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 & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

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 § 73.622(j), amend the Table of TV Allotments, under Virginia, by revising the entry for Hampton to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
VIRGINIA	
* * * * *	
Hampton	35
* * * * *	

[FR Doc. 2023–06237 Filed 3–24–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–436; RM–11941; DA 23–175; FR ID 132825]

Television Broadcasting Services Lufkin, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On December 9, 2022, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner or Gray), the licensee of KTRE (Station or KTRE), channel 9, Lufkin, Texas, requesting the substitution of channel 24 for channel 9 at Lufkin in the Table of TV Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends Federal Communications Commission (FCC) regulations to substitute channel 24 for channel 9 at Lufkin.

DATES: Effective March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 88 FR 1038 on January 6, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 24. No other comments were filed.

The Bureau believes the public interest would be served by substituting channel 24 for channel 9 at Lufkin, Texas. The proposed channel substitution will resolve significant over-the-air reception problems in KTRE's existing service area, reception issues which the Commission has recognized results from the propagation characteristics of digital VHF signals and the deleterious effects manmade noise has on the reception of digital VHF signals. Furthermore, the existing KTRE tower has significantly deteriorated and cannot be reasonably repaired, and thus the Petitioner proposes to relocate the proposed KTRE facility on channel 24 to an adjacent, shorter tower. Although that facility would result in a slight reduction in KTRE's predicted population served, once terrain-limited coverage predications and coverage of same-network (ABC) alternative stations are taken into account, only 448 persons will lose ABC network service, a number which the Commission considers *de minimis.*

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 22–436; RM–11941; DA 23–175, adopted March 3, 2023, and released March 3, 2023. The full text of this document is available for download at *https://www.fcc.gov/edocs.* 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 & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

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 § 73.622(j), amend the Table of TV Allotments, under Texas, by revising the entry for Lufkin to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
TEXAS	
* * * * *	
Lufkin	24
* * * * *	

[FR Doc. 2023–06235 Filed 3–24–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 22–435; RM–11940; DA 23–158; FR ID 133151]

Television Broadcasting Services Odessa, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On December 9, 2022, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner or Gray), the licensee of KOSA–TV (Station or KOSA–TV), channel 7, Odessa, Texas, requesting the substitution of channel 31 for channel 7 at Odessa in the Table of TV Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends Federal Communications Commission (FCC) regulations to substitute channel 31 for channel 7 at Odessa.

DATES: Effective March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 88 FR 42 on January 3, 2023. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 31. No other comments were filed.

The Bureau believes the public interest would be served by substituting channel 31 for channel 7 at Odessa, Texas. The proposed channel substitution will resolve significant over-the-air reception problems in KOSA–TV's existing service area. The Petitioner further states that the Commission has recognized the deleterious effects manmade noise has on the reception of digital VHF signals, and that the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels and nearby electrical devices can cause interference. According to the Petitioner, although the proposed channel 31 facility would result in a slight reduction in the predicted population served, once terrain-limited coverage predications are taken into account, the proposed channel 31 facility will result in a loss of service to 36 people, a number which the Commission considers *de minimis* This is a synopsis of the Commission's *Report and Order,* MB Docket No. 22–435; RM–11940; DA 23–158, adopted March 1, 2023, and released March 1, 2023. The full text of this document is available for download at *https://www.fcc.gov/edocs.* 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 & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

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 § 73.622(j), amend the Table of TV Allotments, under Texas, by revising the entry for Odessa to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
TEXAS	
* * * * *	
Odessa	9, 15, 23, *28, 30, 31.
* * * * *	

[FR Doc. 2023–06236 Filed 3–24–23; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[GSAR Case 2022–G521; Docket No. GSA–GSAR–2023–0010; Sequence No. 1]

General Services Administration Acquisition Regulation (GSAR); Personal Identity Verification Requirements Clause Reference

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule; technical amendment.

SUMMARY: The General Services Administration is issuing this final rule to make a technical amendment to the General Services Administration Acquisition Regulation. A policy referenced within a clause covering personal identification verification requirements has an updated number and title.

DATES: Effective April 26, 2023.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Kathryn Carlson and Mr. Clarence Harrison at *GSARPolicy@gsa.gov* or 202–227–7051. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at *GSARegSec@gsa.gov* or 202–501–4755. Please cite GSAR Case 2022–G521.

SUPPLEMENTARY INFORMATION:

I. Background

The General Services Administration (GSA) conducts routine reviews of its acquisition regulations to identify outdated content and to ensure GSA policy referenced within the General Services Administration Acquisition Regulation (GSAR) is current. GSA discovered that the policy referenced in the GSAR clause 552.204–9 *Personal Identity Verification Requirements* was changed from GSA Order CIO P 2181.1 to GSA Order ADM 2181.1 in March 2020. The title was also updated from *GSA HSPD–12 Personal Identity Verification and Credentialing Handbook* to *GSA HSPD–12 Personal Identity Verification and Credentialing, and Background Investigations for Contractor Employees.* The title update provides better clarity regarding the information contained in the GSA Order.

By updating the policy referenced in the GSAR clause, this rule ensures contractors are directed to the correct policy.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707. Subsection (a)(1) of 41 U.S.C. 1707 requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment because the change is technical in nature and makes conforming updates to the title and number of a referenced policy document.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) has determined that this rule is not a significant regulatory action and, therefore, is not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a ''major 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 General Services Administration will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. OIRA has determined that this is not a major rule under 5 U.S.C. 804.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rule because an opportunity for public comment is not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see Section II. of this preamble). Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

VI. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or the collection of information from

offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 552

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

Therefore, GSA amends 48 CFR part 552 as set forth below:

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Amend section 552.204–9 by revising the section heading, date of the clause, and paragraph (a) to read as follows:

552.204–9 Personal Identity Verification Requirements.

* * * * *

Personal Identity Verification Requirements ([APR 2023])

(a) The Contractor shall comply with GSA personal identity verification requirements, identified in ADM 2181.1 GSA HSPD–12 Personal Identity Verification and Credentialing, and Background Investigations for Contractor Employees, if Contractor employees require access to GSA controlled facilities or information systems to perform contract requirements. The Contractor can find the policy and additional information at *https://www.gsa.gov/hspd12.*

* * * * *

[FR Doc. 2023–06227 Filed 3–24–23; 8:45 am]

BILLING CODE 6820–61–P

Proposed Rules

Federal Register
Vol. 88, No. 58
Monday, March 27, 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 27

[Doc. No. AMS–CN–22–0061]

RIN 0581–ZA33

Redefining Bona Fide Cotton Spot Markets

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to amend the regulation that defines two of the seven spot designated spot markets and change the names of the affected markets. Specifically, cotton grown in Oklahoma and Kansas would be moved from the East Texas/Oklahoma spot market to the West Texas spot market. It also changes the names of these two markets to describe the markets more accurately.

DATES: Comments must be received by May 26, 2023.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments may be submitted to Darryl Earnest electronically by Email: *darryl.earnest@usda.gov;* by mail or hand delivery to Cotton & Tobacco Program, AMS, USDA, 3275 Appling Road, Room 11, Memphis, TN 38133; or via the internet at: *https://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available for public viewing at: *https://www.regulations.gov.* Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Darryl Earnest, Deputy Administrator, Cotton & Tobacco Program, AMS, USDA, 3275 Appling Road, Room 11, Memphis, TN 38133. Telephone: (901) 384–3000, Fax: (901) 384–3033, or Email: *darryl.earnest@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Agriculture is authorized under the United States Cotton Futures Act (7 U.S.C. 15b) to designate at least five bona fide spot markets from which cotton price information can be collected. A spot market—also called the ''cash market'' or ''physical market''- is a market where commodities are sold on the spot for cash at current market prices and delivered immediately. Updated designations for these bona fide spot markets and the determination of which counties and states compose each of these spot markets were most recently published in the **Federal Register** on April 30, 2013 (78 FR 25181). For each of these bona fide spot markets, AMS's Cotton and Tobacco Program collects market price information under the United States Cotton Futures Act (7 U.S.C. 15b), the Cotton Statistics and Estimates Act (7 U.S.C. 473b) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)). This price information is then used to calculate price differences for cotton futures contracts.

The Cotton and Tobacco Program (Program) received a request from the American Cotton Shippers Association (ACSA) and the National Cotton Council of America (NCC), to evaluate the structure of the cotton spot markets in East and West Texas, Oklahoma, and Kansas. The Program's analysis of the East Texas/Oklahoma market determined that cotton grown in Oklahoma and Kansas has similar quality characteristics and was traded under the same terms and conditions as West Texas cotton. Further, the analysis showed that there was not any significant difference in the prices reported to Cotton and Tobacco Market News when comparing Oklahoma and Kansas cotton to West Texas cotton. As a result, ACSA and NCC requested that cotton grown in Oklahoma and Kansas be moved from the East Texas/Oklahoma spot market to the West Texas spot market. Revisions to the regulations concerning bona fide spot market definitions are necessary to assure consistency with the revised Cotton Research and Promotion Act and to allow for published spot quotes to consider spot prices of cotton marketed in Kansas and Oklahoma. Corresponding changes to the names of these two spot markets would be made to describe the markets more accurately.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866; and, therefore has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It 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.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

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 disproportionately burdened. There are an estimated 25,000 cotton growers in the U.S. who voluntarily use the AMS cotton classing services annually, and the majority of these cotton growers are small businesses under the criteria established by the Small Business Administration (13 CFR 121.201).

Changes in cotton spot market definitions as stated will not significantly affect small businesses as defined in the RFA because:

(1) How spot prices are estimated are not expected to be impacted by this action;

(2) Business practices of the U.S. cotton industry are not expected to change as a result of this action;

(3) Costs associated with providing market news services will not be significantly changed by this action;

(4) Market news services are paid for by appropriated funds; therefore, users are not charged fees for the provision of the services.

Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320), which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581–0009, Cotton Classification and Market News Service.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

List of Subjects in 7 CFR Part 27

Commodity futures, Cotton.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 27 as follows:

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

■ 1. The authority citation for 7 CFR part 27 continues to read as follows:

Authority: 7 U.S.C. 15b, 7 U.S.C. 473b, 7 U.S.C. 1622(g).

■ 2. In § 27.93, the definitions of the ''East Texas and Oklahoma,'' and ''West Texas'' markets are revised to read as follows:

§ 27.93 Bona fide spot markets.

* * * * *

East Texas and South Texas

Texas counties east of and including Montague, Wise, Parker, Erath, Comanche, Mills, San Saba, Mason, Sutton, Edwards, Kinney, Maverick, Webb, Zapata, Star and Hidalgo counties.

* * * * *

West Texas, Kansas, and Oklahoma

All counties in Kansas and Oklahoma, all Texas counties not included in the East Texas, South Texas, and Desert Southwest Markets and the New Mexico counties of Union, Quay, Curry, Roosevelt, and Lea.

* * * * *

■ 3. In § 27.94, paragraph (a) is revised to read as follows:

§ 27.94 Spot markets for contract settlement purposes.

* * * * *

(a) For cotton delivered in settlement of any No. 2 contract on the Intercontinental Exchange (ICE); Southeastern; North and South Delta; East Texas and South Texas; West Texas, Kansas, and Oklahoma; and Desert Southwest.

* * * * *

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023–06231 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. APHIS–2018–0007]

RIN 0579–AE73

Importation of Fresh Beef From Paraguay

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from Paraguay. Based on the evidence from a risk analysis, we have determined that fresh beef can safely be imported from Paraguay, provided certain conditions are met. This action would provide for the importation of fresh beef from Paraguay into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

DATES: We will consider all comments that we receive on or before May 26, 2023.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2018–0007 in the Search Field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0007, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Ingrid Kotowski, Import Risk Analyst, Regionalization Evaluation Services, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7732; email: *AskRegionalization@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including foot-and-mouth disease (FMD), African swine fever, classical swine fever, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Under most circumstances, § 94.1 of the regulations prohibits the importation of live ruminants and swine and fresh (chilled or frozen) meat derived from ruminants and swine originating in, or transiting through, a region where FMD exists. Section 94.11 restricts the importation of ruminants and swine and their meat and certain other products from regions that are declared free of FMD but that nonetheless present a disease risk because of the regions' proximity to or trading relationships with regions affected with FMD. Regions that the Animal and Plant Health Inspection Service (APHIS) has declared free of FMD and regions declared free of FMD that are subject to the restrictions in § 94.11 are listed on the APHIS website at *http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml.*

The regulations do allow for certain exceptions to the prohibitions contained

in § 94.1. These exceptions include allowing the importation of fresh (chilled or frozen) beef and ovine meat from Uruguay and fresh beef from certain regions of Argentina and a region of Brazil, subject to certain conditions. While there have been FMD outbreaks in the past in those regions, the disease is not currently known to exist in any of them. We do not recognize those exporting regions as FMD-free, however, because the Argentine, Brazilian, and Uruguayan governments all require that cattle be vaccinated for FMD.[1] The conditions for the importation of beef and ovine meat from Uruguay and beef from the exporting regions of Argentina and Brazil are set out in § 94.29 of the regulations and include the following:

- The meat is derived from animals born, raised, and slaughtered in the exporting region.
- FMD has not been diagnosed in the exporting region within the previous 12 months.
- The meat comes from bovines or sheep that originated from premises where FMD has not been present during the lifetime of any bovines and sheep slaughtered for the export of meat to the United States.
- The meat comes from bovines or sheep that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.
- The meat comes from bovines or sheep that received ante-mortem and post-mortem veterinary inspections, paying particular attention to the head and feet, at the slaughtering establishment, with no evidence found of vesicular disease.
- The meat consists only of bovine parts or ovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter and before removal of any bone, blood clots, or lymphoid tissue. The bovine and ovine parts that may not be imported include all parts of the head, feet, hump, hooves, and internal organs.
- All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat to be exported (bone-in ovine meat from Uruguay may be imported under certain conditions listed in the regulations, however).
- The meat has not been in contact with meat from regions other than those listed in accordance with § 94.1(a).
- The meat came from carcasses that were allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 24 hours after slaughter and that reached a pH below 6.0 in the loin muscle at the end of the maturation period. Measurements for pH must be taken at the middle of both *longissimus dorsi* muscles. Any carcass in which the pH does not reach less than 6.0 may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still has not reached a pH of less than 6.0 after 48 hours, the meat from the carcass may not be exported to the United States.
- An authorized veterinary official of the government of the exporting region certifies on the foreign meat inspection certificate that the above conditions have been met.
- The establishment in which the bovines and sheep are slaughtered allows periodic on-site evaluation and subsequent inspection of its facilities, records, and operations by an APHIS representative.

Historically, trade in fresh (chilled or frozen) beef from Paraguay has not been allowed because APHIS has considered Paraguay to be a country affected with FMD. In response to a request from the Government of Paraguay that we allow fresh (chilled or frozen) beef to be imported into the United States from that country, we conducted a risk analysis, which can be viewed on the internet on the *Regulations.gov* website or in our reading room.[2] APHIS gathered data to support this analysis from records of the Servicio Nacional de Calidad y Salud Animal (SENACSA), from publicly available information, and from published scientific literature. In addition, APHIS conducted site visits to Paraguay in December 2008 and July 2014 to verify the information submitted by SENACSA and to collect additional data.

We concluded that the overall risk associated with importing fresh beef from Paraguay is low and that Paraguay has the infrastructure and emergency response capabilities needed to effectively report, contain, and eradicate FMD in the event of an outbreak and to do so in a timely manner. We further concluded that Paraguay is able to comply with U.S. import restrictions on the specific products from affected areas. Based on the evidence documented in our risk analysis, we believe that fresh (chilled or frozen) beef can be safely imported from Paraguay, provided certain conditions are met. Accordingly, we are proposing to amend the regulations in § 94.29 to provide for the importation of fresh beef from Paraguay. Under this proposed rule, fresh beef from Paraguay would be subject to the same import conditions applicable to fresh beef and ovine meat from Uruguay (other than bone-in ovine meat imported under § 94.29(g)(1) through (3)) and fresh beef from the exporting regions of Argentina and Brazil.

Risk Analysis

Our risk analysis was conducted according to the eight factors identified in 9 CFR 92.2, ''Application for recognition of the animal health status of a region or a compartment'': The scope of the evaluation being requested, veterinary control and oversight, disease history and vaccination practices, livestock demographics and traceability, epidemiological separation from potential sources of infection, surveillance, diagnostic laboratory capabilities, and emergency preparedness and response. A summary evaluation of each factor is discussed below. Based on our analysis of these factors, we have determined that fresh (chilled or frozen) beef can be safely imported into the United States from Paraguay, under the conditions specified in § 94.29.

Scope of the Evaluation Being Requested

In addition to reviewing records submitted by SENACSA, publicly available information, and published scientific literature, APHIS conducted site visits in December 2008 and July 2014 to verify the information we reviewed and to collect additional data. The site visits focused on the veterinary and legal infrastructure of SENACSA, its FMD control program, border control procedures, disease control measures, laboratory and diagnostic capabilities, biosecurity procedures on cattle farms and in slaughter facilities, animal health recordkeeping systems, movement controls, and disease surveillance systems. The 2014 visit included an evaluation of FMD outbreaks that occurred in 2011 and 2012 and the

[1] The position of the United States is that a country that vaccinates for FMD is not free of the disease. Vaccination of cattle against FMD introduces risks related to the immunological response within the vaccinated herd. While a large percentage of individual animals in the herd may fully respond to FMD vaccination, some individual animals in the herd may have a limited response, resulting in partial or no immunity. Therefore, so-called herd immunity may not always reflect individual animal immunity, and the disease may still be present in certain animals in a vaccinated population. As a result, importation of beef from areas in which cattle are vaccinated for FMD could result in importation of beef derived from infected animals.

[2] Instructions on accessing *Regulations.gov* and information on the location and hours of the reading room may be found at the beginning of this document under **ADDRESSES**. You may also request paper copies of the risk analysis by calling or writing the person listed under **FOR FURTHER INFORMATION CONTACT**.

effectiveness of SENACSA's response to the outbreaks.

Veterinary Control and Oversight

Based on our analysis of the data submitted by SENACSA and observations made during our site visits to Paraguay, we concluded that the competent veterinary authority of Paraguay is well-organized and has the legal authority and technical infrastructure in place to carry out official control, eradication, and quarantine activities at the central, regional, and local levels. SENACSA is also an active collaborator with neighboring countries in disease-eradication efforts.

SENACSA has a system of official veterinarians and support staff in place for carrying out FMD field programs and for import controls and animal quarantines. It also has a training program for animal health professionals, frequently in collaboration with the veterinary medical faculty of the National University. The overall structure and resources of SENACSA have significantly increased and been strengthened in reaction to the FMD outbreak in 2012. Following feedback from the World Organization for Animal Health (WOAH) and the European Union (EU), SENACSA is also hiring new personnel to expand its workforce.

A very strong partnership exists between the competent authority and the livestock industry. A large proportion of SENACSA's funding comes from the private sector in the form of user fees paid by stakeholders associated with sales of animals or movement permits. While this funding method allows SENACSA to operate autonomously and with little political interference, it also makes SENACSA's budget dependent on user fees. SENACSA is addressing the issue and has increased its operational budget to U.S. $36 million. Although the contribution of the treasury department compared to that of the private sector is small, APHIS found no evidence suggesting that resources from the private sector could change in the future or that available resources for FMD control programs would be reduced.

Disease History and Vaccination Practices

APHIS observed that SENACSA has an established program for the control and prevention of FMD which includes a well-organized vaccination strategy. The vaccine used in Paraguay has been assessed by international FMD reference laboratories to be appropriate for the strains that have been found in the region in the last 15 years. Serosurveillance has demonstrated adequate levels of immunity in cattle previously immunized.

Following the 2011/2012 FMD outbreak, SENACSA instituted changes to its vaccination program. Audits of vaccinators and the vaccine cold chain were conducted. Vaccination cycles were increased from two to three annually. The training provided by SENACSA and industry-based Animal Health Commissions (AHC) prior to each vaccination cycle also appears to have increased the level of awareness of good vaccination practices among AHC vaccinators.

Livestock Demographics and Traceability

Paraguay's animal identification system is similar to, and meets the requirements of, the EU and Chilean markets, both of which have stringent traceability requirements. Paraguay has two traceability systems: A mandatory system under SENACSA and an industry-based, voluntary program called the System for the Identification and Traceability of Rural Holdings in Paraguay (SITRAP). Under SITRAP, there have been initiatives undertaken to facilitate and enhance traceability at slaughter.

Movement controls were well organized and coordinated. Internal control posts visited were well-equipped with access to telecommunications and information technology systems. Staff at these control posts were well aware of movement requirements and followed established procedures related to movement control. The staff had an organized and consistent way of assessing each animal transport and movement. Records at the control posts were well organized, and manuals of procedures were readily available.

We concluded that Paraguay has a sound system for animal identification and traceability, premises registration, and animal movement controls. The system is adequate to provide assurance that the U.S. import requirements for animals to be born, raised, and slaughtered in Paraguay can be met.

Epidemiological Separation From Potential Sources of Infection

Many natural barriers, such as large rivers and forest areas, exist along Paraguay's international and internal borders. These barriers restrict both animal movement and human traffic and prevent the spread of disease.

Movement of FMD-susceptible species or products into Paraguay could occur through international borders where sufficient physical barriers do not exist, *e.g.,* along some areas bordering Brazil and Argentina. However, the international borders are actively monitored, and Paraguay collaborates effectively with neighboring countries to minimize the risk of introduction of FMD. Border control agreements between Paraguay and its neighbors have been in place since the 1970s, and efforts continue to strengthen and harmonize border activities. Sufficient controls exist at the airports for interdiction of prohibited material and for prevention of the recycling of confiscated products and international waste.

With the exception of Chile, APHIS does not consider the countries of South America to be free of FMD. Coordinated regional FMD control efforts have been effective in decreasing the incidence of FMD and limiting it to certain regions, however. Based on the history of the disease on the continent, Paraguay's veterinary infrastructure, and SENASCA'S prompt response to the outbreaks in Argentina (2006), Brazil (2005–2006), and Bolivia (2007), APHIS concluded that it is unlikely that disease would be introduced from adjacent areas. However, at the time the risk analysis was prepared, Colombia had just eradicated an FMD outbreak. As long as FMD is endemic in certain areas in South America, there is a potential risk of reintroduction of the disease into the export area.

Surveillance Practices

Our evaluation led us to conclude that Paraguay has a good epidemiological surveillance system. The surveillance activities conducted and the use of sound statistical methodologies increase the likelihood of detection of FMD if it exists in the population.

Paraguay's surveillance system combines both active surveillance and passive surveillance. Active surveillance consists of annual seroepidemiological sampling at the national level to verify the absence of circulating FMD virus. The active surveillance strategy is updated based on the surveillance objectives for the year. Extensive serological surveys were also conducted following FMD outbreaks 2003 and 2011/2012 to ensure the absence of circulating FMD virus. Passive surveillance is based on the notification of vesicular disease by producers who are required by law to report any suspect cases to their Local Veterinary Unit, which must then respond within 12 hours of notification. Indemnification is predicated on this notification by the producer. Paraguay's passive surveillance efforts are enhanced by the extensive awareness of

the clinical signs of FMD among the animal health field staff and within the industry, as well as the mandatory reporting requirement for suspect cases of vesicular diseases. SENACSA, producers, and the AHCs in particular all have a role in passive surveillance efforts.

Additional surveillance comes from herd immunity studies, which are conducted frequently. Enhanced epidemiological surveillance occurs in High Surveillance Zones, which were established by Paraguay in coordination with neighboring countries.

SENACSA has a manual of procedures that provides the field veterinarians with guidelines for sample collection, animal identification, aging by dentition, communications, and measures to be taken in case of reactors or suspect cases. The manual ensures consistency in surveillance activities and responses to suspects among field offices.

Diagnostic Laboratory Capabilities

The Directorate General for Laboratories (DIGELAB) is the official laboratory in Paraguay and is located in the SENACSA headquarters. Responsibilities include the diagnosis of SENACSA's program diseases such as FMD, bovine spongiform encephalopathy, tuberculosis, brucellosis, classical swine fever, and Newcastle disease. DIGELAB's FMD laboratory is the only laboratory in Paraguay authorized to conduct diagnostic testing for vesicular diseases, including FMD. Relative to the FMD program, DIGELAB's Vesicular Diseases Department is responsible for conducting FMD diagnostic testing of animals as required under SENACSA's active and passive surveillance strategy, including surveillance sampling at fairs and shows, as well as testing of animals for import or export.

APHIS concluded that Paraguay has the diagnostic capabilities to adequately test samples for the presence of FMD virus. DIGELAB's FMD laboratory has the necessary infrastructure, equipment, and personnel. The laboratory staff are well-trained in the diagnosis of vesicular diseases. Diagnostic test methodologies used in the identification of vesicular diseases are consistent with WOAH guidelines. All laboratory standard operating procedures are thorough and systematic, and documentation is good. The laboratory conducts quality control on all FMD vaccines, both nationally produced and imported. SENACSA has an organized recordkeeping system for laboratory data and the ability to complete and report test results in a timely manner.

Emergency Preparedness and Response

SENACSA has established procedures for rapidly detecting and responding to FMD emergencies. SENACSA has surveillance and laboratory programs for early detection of FMD and the necessary infrastructure for carrying out emergency eradication programs, including an FMD contingency plan supported by a legal framework and a sufficient budget. If FMD is confirmed in Paraguay through diagnostic testing, the National Animal Health Emergency System (SINAESA) is immediately activated, and a Director of Emergency is appointed to head up the emergency response effort. SINAESA is responsible for establishing a chain of command and for identifying and obtaining the necessary resources to carry out the activities needed to eradicate the disease. In responding to outbreaks in neighboring countries, as well as during the 2011/2012 outbreak in Paraguay, SENACSA demonstrated its capacity for rapid and effective emergency response.

The above findings are detailed in the risk analysis document. The risk analysis explains the factors that have led us to conclude that fresh (chilled or frozen) beef may be safely imported from Paraguay under the conditions enumerated above. It also establishes that Paraguay has adequate veterinary infrastructure in place to prevent, control, report, and manage FMD outbreaks. Therefore, we are proposing to amend § 94.29 to allow the importation of fresh beef from Paraguay under the conditions described above.

Executive Orders 12866, 13563, and Regulatory Flexibility Act

This proposed rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which 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, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also provides an initial regulatory flexibility analysis that examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act.

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

Introduction

This analysis examines potential economic impacts of a proposed rule that would allow fresh (chilled or frozen) beef from Paraguay to be imported into the United States provided certain conditions are met. APHIS currently considers the whole territory of Paraguay to be a region where FMD exists. With few exceptions, APHIS' regulations in part 94 prohibit the importation of fresh (chilled or frozen) meat of ruminants or swine that originates in or transits a region where FMD is considered to exist. APHIS does not consider Paraguay as free of FMD because Paraguay vaccinates against FMD. As explained in detail earlier in this document, the vaccination requirement could result in infected animals being imported into the United States.

This document provides a benefit-cost analysis, as required by Executive Orders 12866 and 13563, which 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, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This document also examines the potential economic effects of the rule on small entities, as required by the Regulatory Flexibility Act.

Overview of the Action and Affected Entities

U.S. Beef Production and Trade

The United States is the largest beef producer in the world and produces

primarily grain-fed beef for the domestic and export markets. Over the period 2016 to 2020, U.S. beef production averaged 12 million metric tons (MT); exports 1.4 million MT; and imports 1.3 million MT (Table 1).

TABLE 1—U.S. BEEF PRODUCTION, EXPORTS, AND IMPORTS

[2016 to 2020]

Year	Production	Imports	Exports
	Metric tons		
2016	11,468,481	1,365,986	1,159,637
2017	11,904,762	1,357,370	1,296,599
2018	12,216,780	1,359,637	1,433,107
2019	12,346,485	1,386,848	1,372,336
2020	12,355,556	1,515,646	1,338,322
5-year average	12,058,413	1,397,098	1,320,000

Source: U.S. Department of Agriculture (USDA), World Agricultural Outlook Board, "World Agricultural Supply and Demand Estimates" and supporting materials; U.S. Department of Commerce, Bureau of Economic Analysis (population); and USDA, Economic Research Service.

Most U.S. beef imports are grass-fed beef that is processed together with higher-fat trimmings from U.S. grain-fed beef to produce ground beef. Canada, Australia, New Zealand, and Mexico historically have been the largest sources of U.S. beef imports (Table 2). Entry of beef from Paraguay into the U.S. beef market would result in a change in market shares.

In terms of exports, between 2016 and 2020 the top destinations for U.S. beef were Japan (362,071 MT); South Korea (264,780 MT); Mexico (181,982 MT); Hong Kong (156,025 MT); and Canada (133,316 MT).

TABLE 2—U.S. BEEF IMPORTS FROM PRINCIPAL SUPPLY COUNTRIES

[2016 to 2020; 1,000 MT]

Country	2016	2017	2018	2019	2020	Average
	1,000 Metric tons, carcass weight equivalent					
Canada	325.37	336.01	358.91	384.31	374.15	355.75
Australia	347.74	315.02	305.08	324.85	300.50	318.64
Mexico	223.67	259.99	230.36	262.90	295.25	254.44
New Zealand	277.67	252.48	259.54	181.77	233.73	241.04
Brazil	69.22	62.39	63.92	74.01	100.20	73.95
Nicaragua	50.43	60.44	71.07	82.83	85.83	70.12
Uruguay	54.72	54.61	51.91	53.89	66.73	56.37
Other Countries	16.42	15.81	18.20	21.57	58.39	26.07
Total	1,365.24	1,356.75	1,358.99	1,386.13	1,514.78	1,396.38

Source: USDA ERS carcass weight equivalent calculations using data from U.S. Department of Commerce, Bureau of the Census.
Note: Quantities include some processed beef and veal.

Paraguay's Beef Production and Trade

Historically, beef cattle production has been one of the major agricultural activities in Paraguay with beef and soybeans being the leading exports. Paraguay recently surpassed Argentina for eighth place among the world's largest beef exporters. The Paraguayan beef industry is focused on exports with about 40 percent of the production consumed domestically. Paraguay ships roughly 90 percent of its beef to just five markets: Chile, Russia, Israel, Taiwan and Brazil. Today, cattle are being displaced from traditional production areas in Paraguay because of a steady increase in soybean acreage. Since the 1990s, there has also been increased grain supplementation of beef cattle feeding regimes in Paraguay.

For the period 2016 to 2020, Paraguay's average annual production was 582,000 MT, with domestic consumption averaging 224,000 MT, or about 40 percent of production (Table 3). Exports averaged 372,000 MT per year. Paraguay's average exports of 372,000 MT for the 2016 to 2020 period is equivalent to approximately 26 percent of U.S. fresh beef imports for the same period.

The quantity of fresh beef expected to be imported into the United States from Paraguay, ranging from 3,250 to 6,500 MT, is equivalent to about 0.05 percent of U.S. average annual fresh beef production, about 0.05 percent of U.S. average annual imports of fresh beef, and about 0.50 percent of average annual exports of fresh beef, 2016 to 2020.

TABLE 3—PARAGUAY'S BEEF PRODUCTION, EXPORTS, AND IMPORTS

[2016 to 2020]

Year	Production	Consumption	Imports	Exports
	1,000 Metric tons			
2013	510	186	2	326
2014	570	183	2	389
2015	590	210	1	381
2016	610	222	2	390
2017	610	223	1	380
Average	578	231	2	373

Source: Compiled from various GAIN Reports of the USDA Foreign Agricultural Service using carcass weight equivalent data.

Expected Benefits and Costs of the Rule

For this analysis, we use a non-spatial, net trade, partial equilibrium approach to welfare analysis to compute expected impacts of the rule on U.S. producers and consumers of fresh beef. In this section, we describe assumptions and parameters of the welfare analysis, including the baseline price and quantities, projected imports from Paraguay, and domestic price elasticities of demand and supply. We then discuss the modeling results. The model evaluates how domestic market prices and quantities may adjust to the policy change, and how producers and consumers may potentially be impacted.

We assume that demand and supply functions are approximately linear near the initial equilibrium point. For small parallel shifts in supply and demand, this assumption results in reasonably accurate measures of consumer and producer surplus changes. Beef imports from Paraguay will affect prices and quantities of fresh beef on the U.S. market, and therefore result in welfare impacts as reflected in changes in consumer and producer surplus. Consumer surplus is the difference between what the consumer pays for a unit of a good or service and the maximum price that the consumer would be willing to pay for that unit. Producer surplus is the difference between the price a producer is paid for supplying a unit of a good or service and the minimum price that the producer would be willing to accept to supply that unit.

Our analysis is non-spatial in that the price and quantity effects obtained from the model are assumed to be average effects across geographically separate markets. Partial equilibrium means that the model results are based on maintaining a commodity-price equilibrium in a limited portion of the overall economy. All other economic sectors not explicitly included in the model are assumed to have a negligible influence on the model results. A partial equilibrium analysis is appropriate because the rule is specific to imports of fresh beef from Paraguay and is therefore expected to have only limited effects on other sectors of the economy.

Baseline data for fresh beef are shown in Tab1e 4. Baseline quantities are based on 5-year averages, 2016 through 2020. Domestic supply is equated to fresh beef production minus exports, where fresh beef exports are set equal to zero. In a net trade model, such as the one applied in this analysis, a country is identified as either a net exporter or a net importer of a particular commodity. In this instance, U.S. fresh beef exports are not included as part of domestic supply in the baseline in order to quantify the effects of permitting fresh beef imports from Paraguay. Domestic demand for fresh beef is equated to fresh production less exports plus imports. The baseline price is the 5-year average U.S. custom import value for fresh beef, 2016 through 2020.[3]

TABLE 4—U.S. FRESH BEEF BASELINE DATA: PRODUCTION, IMPORTS, EXPORTS, DOMESTIC CONSUMPTION, AND PRICE IN 2016 DOLLARS

[2016 to 2020]

Year	Production	Imports	Exports	Domestic supply	Price per MT
	Metric tons				
2016	11,468,481	1,365,986	1,159,637	11,674,830	6,988
2017	11,904,762	1,357,370	1,296,599	11,965,533	7,092
2018	12,216,780	1,359,637	1,433,107	12,143,311	7,248
2019	12,346,485	1,386,848	1,372,336	12,360,998	7,533
2020	12,355,556	1,515,646	1,338,322	12,532,880	8,063
5 year average	12,058,413	1,397,098	1,320,000	12,135,510	7,385

Source: USDA, World Agricultural Outlook Board, "World Agricultural Supply and Demand Estimates" and supporting materials; U.S. Department of Commerce, Bureau of Economic Analysis (population); and USDA, Economic Research Service.

For this analysis, we use price elasticities of demand and supply for fresh beef of −1.52 and 0.34, respectively.[4] In the short run, beef producers' responsiveness is inelastic due to limitations in adjusting supply to

[3] The custom import value is defined as the price actually paid or payable for merchandise when sold for exportation, excluding import duties, freight, insurance, and other charges incurred in bringing the merchandise to the importing country.

[4] Paarlberg, Philip L., Ann Hillberg Seitzinger, John G. Lee, and Kenneth H. Mathews, Jr. Economic Impacts of Foreign Animal Disease. Economic Research Report Number 57. USDA ERS, May 2008.

market changes. In the long run, producers are better able to respond to changes in price associated with increased market supply. Likewise, a more price-elastic long-run demand would be indicative of increased price responsiveness of consumers over time.

As a measure of possible impacts of fresh beef imports from Paraguay, we consider import volumes of 3,250 to 6,500 MT (5 to 10 percent of the other countries tariff rate quota of 65,005 [5]). For each of the three annual import levels, we modeled changes in U.S. consumption, production, price, consumer welfare, producer welfare, and net social welfare gain (Table 5). In each case, consumer welfare gains outweigh producer welfare losses with positive net welfare impacts. Producer welfare losses under the three import levels range between $12 and $23 million. Consumer welfare gains range between $13 and $26 million with net welfare gains of between $1.3 and $3.0 million. Beef imports from Paraguay may displace imports from other countries.

TABLE 5—MODELED IMPACTS FOR U.S. FRESH BEEF PRODUCTION, CONSUMPTION, PRICE, AND CONSUMER AND PRODUCER WELFARE, ASSUMING FRESH BEEF IMPORTS FROM PARAGUAY

[Of 3,250 MT, 4,875 MT, and 6,500 MT]

Assumed annual fresh beef imports from Paraguay	3,250	4,875	6,500
Change in U.S. consumption, MT	2,715	4,072	5,430
Change in U.S. production, MT	−535	−803	−1,070
Change in domestic price of fresh beef, dollars per MT	($1.09)	($1.63)	($2.17)
% Change in domestic price	−0.0147	−0.0221	−0.0294
Change in consumer welfare	$13,179,777	$19,770,771	$26,362,502
Change in producer welfare	($11,660,864)	($17,491,078)	($23,321,146)
Annual net benefit	$1,518,913	$2,279,694	$3,041,356

Alternatives to the Rule

We considered alternatives to the chosen course of action, including maintaining the current prohibition on imports of fresh beef from Paraguay and using the WOAH recommendations to determine import requirements. Continuing to prohibit fresh beef imports from Paraguay is not defensible, given that a complete restriction on imports is unnecessary for safeguarding the U.S. cattle industry provided certain conditions are met. We therefore reject the status quo alternative.

A second alternative considered by APHIS would be to allow fresh beef to enter from Paraguay under trade recommendations established by the WOAH. The WOAH recommendations, however, do not meet the acceptable level of protection of the United States.

FMD is a highly contagious disease caused by a resilient virus readily transmitted to all cloven-hoofed animals. There are few effective mitigation measures to guard against the risk of exposure of susceptible U.S. livestock if FMD-infected animals or products contaminated with the FMD virus were imported into the United States. APHIS has determined therefore that a cautious approach to allowing fresh beef imports from regions that vaccinate for FMD is warranted.

As noted earlier, the position of the United States is that a country that vaccinates for FMD is not free of the disease. Vaccination of cattle against FMD introduces risks related to the immunological response within the vaccinated herd. While a large percentage of individual animals in the herd may fully respond to FMD vaccination, some individual animals in the herd may have a limited response, resulting in partial or no immunity. Therefore, so-called herd immunity may not always reflect individual animal immunity, and the disease may still be present in certain animals in a vaccinated population. As a result, importation of beef from areas in which cattle are vaccinated for FMD could result in importation of beef derived from infected animals.

Under the World Trade Organization Sanitary and Phytosanitary Agreement, Member Countries are encouraged to base their import requirements on international recommendations but maintain the right to adopt additional measures provided that they are based on science, are transparent in the way they are developed and implemented, and do not arbitrarily or unjustifiably discriminate among members. APHIS does not recognize a country that vaccinates for FMD as free of the disease because vaccination may mask clinical signs. The virus can remain present but undetected in vaccinated populations. APHIS regulations allow for the importation of meat and meat products from regions that vaccinate for FMD provided that these products are processed in such a way as to ensure the inactivation of the FMD virus.

If APHIS were to follow the WOAH recommendations, we expect that fresh beef imports from Paraguay would tend toward the upper end of the 3,250 to 6,500 MT range; more cattle and larger quantities of beef would likely qualify for export to the United States because the import sanitary requirements would be less stringent. Fresh beef imports from Paraguay exceeding 6,500 MT would enter under a higher tariff rate. Under the modeled 6,500 MT scenario, wholesale beef price would decrease by 0.03 percent. U.S. beef production would decline by approximately 1,000 MT or less than a percent of total U.S beef production.

We reject this alternative to the rule for reasons other than disproportionate economic impact and because it does not meet APHIS' determination of necessary sanitary requirements for the importation of fresh beef from Paraguay. The preferred alternative has been analyzed using the limited information available. We cannot certify that this rule would have no disproportionate impact on small entities, but at this time have found no evidence that it would have such impacts.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. This initial regulatory flexibility analysis describes expected impacts of this proposed rule on small entities, as required by section 603 of the Act.

[5] Harmonized Tariff Schedule of the United States (2018) Revision 4, Chapter 2, Meat and Edible Meat Offal. The tariff rate quota provides preferential-duty access for certain named countries and a category of countries grouped as Other Countries or Areas. The combined annual quantity of beef allowed to be imported from Other Countries or Areas is limited to 65,005 MT.

Reasons Action Is Being Considered

In response to a request from the Government of Paraguay that fresh (chilled or frozen) beef be allowed to be imported into the United States from Paraguay, APHIS conducted a risk analysis to enable APHIS to develop appropriate regulatory conditions with mitigations to address potential risks of FMD disease introduction following any initiation of trade in fresh beef from Paraguay. In the analysis APHIS considered the epidemiological characteristics of FMD that are relevant to the risk of importing fresh and frozen beef under certain conditions into the United States and described appropriate mitigations to reduce that risk. The mitigations to be applied include restrictions on the origin of animals, requirements for maturation and pH testing of carcasses, ante-mortem and post-mortem inspections, and verification by Paraguayan officials that the various mitigations were applied appropriately. APHIS concluded from the assessments that the surveillance, prevention, and control measures implemented by the Government of Paraguay are sufficient and that fresh beef imported from Paraguay under the additional mitigation measures imposed by the proposed action will be safe. It is highly unlikely that such imports from Paraguay will introduce or disseminate FMD within the United States. As of 2020, there are more than 70 markets opened to Paraguayan beef. Cattlemen in Paraguay and the Government of Paraguay aim at opening in the future important markets such as China, NAFTA countries, and South Korea.[6]

Objectives of and Legal Basis for the Rule

With a few exceptions, APHIS regulations in 9 CFR part 94 prohibit the importation of fresh (chilled or frozen) meat of ruminants or swine that originates in or transits a region where FMD is considered to exist. APHIS does not consider Paraguay free of FMD because Paraguay vaccinates against FMD. The proposed rule would allow the importation of fresh (chilled or frozen) beef from Paraguay under certain conditions designed to ensure beef exported to the United States will not harbor FMD virus. In accordance with the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture has the authority to promulgate regulations and take measures to prevent the introduction of contagious animal diseases into the United States by means of import restrictions.

Potentially Affected Small Entities

Entities that could be primarily affected by the proposed rule are beef and cattle producers, as well as feedlots and slaughter facilities. Of the 882,692 farms[7] in the United States with cattle and calves, 711,827 sold cattle and calves, 729,0466 were classified as beef cow farms, and 54,599 had milk cows.[8] Based on data from the 2017 Census of Agriculture and Small Business Administration (SBA) standards,[9] we expect a majority of these entities to be small. Entities in the categories beef cattle ranching and farming (NAICS 112111) and dairy cattle and milk production (NAICS 112120) are considered small if their total annual sales do not exceed $1 million. The 2017 Census of Agriculture indicates that 99 percent of beef cattle operations are classified as small; of the 582,380 (farms with sales) farms classified under the beef cattle ranching and farming category, 99 percent had annual sales of less than $1 million. Of the 47,237 dairy operations, 95 percent are classified as small. Entities in the category cattle feedlots (NAICS 112112) are considered small if they have total annual sales of not more than $8 million. Sales were not available for farms operating as feedlots. Entities classified as animal (except poultry) slaughtering (NAICS 311611) with not more than 1,000 employees are considered small by SBA standards. The 2012 Economic Census reports 1,494 establishments in this category. Of this number, 1,357 establishments (96 percent) had fewer than 1,000 employees.[10] Thus, the majority of slaughter establishments are considered small by SBA standards.

Projected Reporting, Recordkeeping, and Other Compliance Requirements

Reporting and recordkeeping requirements associated with the proposed rule are discussed in the proposed rule under the heading ''Paperwork Reduction Act.''

Duplication, Overlap, or Conflict With Existing Rules and Regulations

APHIS has not identified any duplication, overlap, or conflict of the proposed rule with other Federal rules.

Alternatives To Minimize Significant Economic Impacts of the Rule

For the purposes of this Initial Regulatory Flexibility Analysis, we have used the best data available to examine feasible ways to achieve the desired policy goals. We cannot certify that this rule would have no disproportionate impact on small entities, but at this time have found no evidence that it would have such impacts.

We recognize we may not have all relevant information concerning economic impacts at this time. Therefore, we invite public comment on any additional relevant information. We also invite public comments on alternatives that may achieve the objective of this proposed rule.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this rule will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

In 2020, APHIS informed Tribal leaders of the proposed action and solicited comments and questions. APHIS did not receive any comments or questions from Tribal leaders in response. APHIS worked with the APHIS Office of the National Tribal Liaison to conduct the outreach in 2020 and also hosted a Tribal listening session on October 17, 2022, about the proposed rule. If a tribe requests consultation in the future, APHIS will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

[6] Paraguay Beef & Cattle Outlook 2020: *https://beef2live.com/story-paraguay-beef-cattle-annual-0-206336.*

[7] Represents all farms that held cattle inventory whether or not they sold cattle.

[8] U.S. 2017 Agriculture Census, tables 12, 13, 14, 16, *https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_US/st99_1_0011_0012.pdf. https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_US/st99_1_0013_0014.pdf. https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_US/st99_1_0015_0016.pdf.*

[9] Small Business Administration size standards: *https://www.sba.gov/document/support-table-size-standards.*

[10] U.S. Bureau of Census, 2018 County Business Pattern Survey: *https://data.census.gov/cedsci/tablen=311611&tid=CBP2018.CB1800CBP.*

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the importation of fresh (chilled or frozen) beef from Paraguay, we have prepared an environmental assessment. The environmental assessment was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment may be viewed on the *Regulations.gov* website or in our reading room. (A link to *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), reporting and recordkeeping requirements included in this proposed rule have been submitted for approval to OMB. Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function. Please send a copy of your comments to: (1) Docket No. APHIS–2018–0007, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW, Washington, DC 20250.

APHIS is proposing to amend the regulations in § 94.29 to provide for the importation of fresh (chilled or frozen) beef from Paraguay. Under this proposed rule, fresh beef from Paraguay would be subject to the same import conditions applicable to fresh beef and ovine meat from Uruguay (other than bone-in ovine meat imported under § 94.29(g)(1) through (3)) and fresh beef from the exporting regions of Argentina and Brazil. The importation of fresh beef from Paraguay will require information collection activities such as the completion and signature of Foreign Meat Inspection Certificates by an authorized veterinary official of the Government of Paraguay and onsite evaluations and inspections of operations, records, and processing facilities to ensure they are following the procedures necessary to lead to the results listed in the Foreign Meat Inspection Certificate. The certificate, evaluation, and inspection ensure that exported fresh beef from Paraguay poses negligible risk of introducing disease into the United States. If this action is finalized and OMB approves of this information collection package, APHIS plans to merge this information collection into OMB control number 0579–0372, Importation of Beef and Ovine Meat from Uruguay and Beef from Argentina and Brazil.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public burden for this collection of information is estimated to average 1.3 hours per response.

Respondents: Authorized veterinary officials employed by the Government of Paraguay and beef producers in Paraguay.

Estimated annual number of respondents: 2.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 3.

Estimated total annual burden on respondents: 4 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the estimate of burden.)

A copy of the information collection may be viewed on the *Regulations.gov* website or in our reading room. (A link to *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) Copies can also be obtained from Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483. APHIS will respond to any information collection review-related comments in the final rule. All comments will also become a matter of public record.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For trade partners who have fully automated systems, APHIS will accept computer extracts of electronic health certification data. These certificates are included in the government-wide use of the International Trade Data System via the Automated Commercial Environment to improve business operations and further Agency missions. Respondents are free to maintain required records as best suited for their organization. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—FOOT-AND-MOUTH DISEASE, NEWCASTLE DISEASE, HIGHLY PATHOGENIC AVIAN INFLUENZA, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 94.29 [Amended]

■ 2. Section 94.29 is amended as follows:

■ a. In the introductory text, by adding the words ''fresh (chilled or frozen) beef from Paraguay;'' after the word ''Tocantins;'';

■ b. In paragraph (a)(1), by adding the words ''or in Paraguay;'' after the word ''Brazil''; and

■ c. In paragraph (b), by adding the words ''in Paraguay (for beef from Paraguay),'' after the words ''(for beef from Brazil),''.

Done in Washington, DC, this 17th day of March 2023.

Jennifer Moffitt,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2023–05889 Filed 3–24–23; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2023–BT–STD–0005]

RIN 1904–AF51

Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating an effort to determine whether to amend the current energy conservation standards for fluorescent lamp ballasts (''FLB''). Under the Energy Policy and Conservation Act, as amended, DOE must review these standards no later than three years after making a determination that standards for the product do not need to be amended and publish either a notice of proposed rulemaking (''NOPR'') to propose new standards for FLB or a notification of determination that the existing standards do not need to be amended. DOE is soliciting the public for information to help determine whether the current standards require amending under the applicable statutory criteria. DOE welcomes written comments from the public on any subject within the scope of this document, including topics not specifically raised.

DATES: Written comments and information are requested and will be accepted on or before April 26, 2023.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2023–BT–STD–0005. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments may submit comments, identified by docket number EERE–2023–BT–STD–0005, by any of the following methods:

Email: FLB2023STD0005@ee.doe.gov. Include the docket number EERE–2023–BT–STD–0005 in the subject line of the message.

Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza, SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket/EERE-2023-BT-STD-0005.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Nolan Brickwood, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4498. Email: *Nolan.Brickwood@hq.doe.gov.*

For further information on how to submit a comment, or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

A. Authority and Background

The Energy Policy and Conservation Act, Public Law 94–163, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B of EPCA [2] established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include fluorescent lamp ballasts (''FLBs''), the subject of this document. (42 U.S.C. 6292(a)(13)) EPCA prescribed energy conservation standards for these products and directed DOE to conduct two cycles of rulemakings to determine whether to amend these standards. (42 U.S.C. 6295(g)(7)(A)–(B))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

(42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions set forth under EPCA. (42 U.S.C. 6297(d))

EPCA also requires that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE evaluate the energy conservation standards for each type of covered product, including those at issue here, and publish either a notification of determination that the standards do not need to be amended, or a NOPR that includes new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(1)) If DOE determines not to amend a standard based on the statutory criteria, not later than 3 years after the issuance of a final determination not to amend standards, DOE must publish either a notification of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6295(m)(3)(B)) DOE must make the analysis on which a determination is based publicly available and provide an opportunity for written comment. (42 U.S.C. 6295(m)(2))

DOE completed the first of the two statutorily-required rulemaking cycles in 2000 by publishing amended performance standards for FLBs manufactured on or after April 1, 2005. 65 FR 56740 (September 19, 2000) (Setting amended standards to apply starting on April 1, 2005.) On October 18, 2005, DOE published a final rule codifying the new FLB standards established in the Energy Policy Act of 2005 (''EPACT 2005'') section 135(c)(2) into the CFR at 10 CFR 430.32(m). 70 FR 60407. Additionally, DOE completed a second rulemaking cycle to amend the standards for FLBs by publishing a final rule in 2011. 76 FR 70548 (November 14, 2011). DOE completed a third rulemaking cycle for FLBs by publishing a final determination to not amend standards in 2020 (''December 2020 Final Determination''). 85 FR 81558 (December 16, 2020). The current energy conservation standards are located in title 10 of the Code of Federal Regulations (''CFR'') part 430, section 32(m). The currently applicable DOE test procedures for FLBs appear at 10 CFR part 430, subpart B, appendix Q.

DOE is publishing this RFI to collect data and information to inform its decision of whether to amend standards for FLBs consistent with its obligations under EPCA.

B. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (''appendix A''), DOE notes that it is deviating from the provision in appendix A regarding the pre-NOPR stages for an energy conservation standards rulemaking. Section 6(d)(2) of appendix A states that the public comment period for pre-NOPR rulemaking documents will vary depending upon the circumstances of the particular rulemaking but will not be less than 75 calendar days. However, DOE finds it appropriate to deviate from this provision by specifying a public comment period of 30 days for this RFI. As noted, the December 2020 Final Determination was published on December 16, 2020. 85 FR 81558. The methodologies and information upon which DOE seeks comment in this RFI are based on the analysis conducted for the December 2020 Final Determination. Because stakeholders are familiar with the subjects covered in this RFI through the December 2020 Final Determination, and are therefore not reviewing new information, DOE has determined that 30 days is an appropriate period for providing comments.

II. Request for Information and Comments

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended standards for FLBs may be warranted.

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products. Under EPCA, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)(B)) Furthermore, EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy or water efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the affected products;

(2) The savings in operating costs throughout the estimated average life of the product compared to any increases in the initial cost, or maintenance expenses;

(3) The total projected amount of energy and water (if applicable) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Determination.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS—Continued

EPCA requirement	Corresponding DOE analysis
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product.	• Markups for Product Price Determination. • Energy and Water Use Determination. • Life-Cycle Cost and Payback Period Analysis.
3. Total Projected Energy Savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on Utility or Performance	• Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits.[3] • Regulatory Impact Analysis.

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE will ultimately rely to determine whether (and if so, how) to amend the standards for FLBs.

A. Products Covered by This Process

This RFI covers those products that meet the definitions of a FLB, as codified at 10 CFR 430.2. Fluorescent lamp ballast is defined as a device which is used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation. (10 CFR 430.2; 42 U.S.C. 6291(29)(A))

The following FLBs are exempt from standards: (1) A dimming ballast designed and marketed to operate exclusively lamp types other than one F34T12, two F34T12, two F96T12/ES, or two F96T12HO/ES lamps; (2) a low-frequency ballast that is designed and marketed to operate T8 diameter lamps, is designed and marketed for use in electromagnetic interference-sensitive-environments only, and is shipped by the manufacturer in packages containing 10 or fewer ballasts; and (3) a programmed start (''PS'') ballast that operates 4-foot medium bipin (''MBP'') T8 lamps and delivers on average less than 140 milliamps (''mA'') to each lamp. 10 CFR 430.32(m)(3). Of these exemptions, in the December 2020 Final Determination, DOE included in the analysis all FLBs that are dimmable and PS ballasts operating 4-foot MBP T8 lamps and using less than 140 mA (*i.e.,* low-current PS ballasts). Regarding the inclusion of dimming ballasts, DOE determined that that standards for dimming ballasts could potentially result in energy savings. Regarding the inclusion of low-current PS ballasts, DOE determined in the December 2020 Final Determination that alternative options such as using PS ballasts with operating current at 140 mA or higher, paired with reduced-wattage lamps or decreasing the number of lamps in the system, could provide low light output levels comparable to those attained using low-current PS ballasts and therefore included low-current PS ballasts in the analysis. 85 FR 81558, 81564–81565.

DOE requests feedback on whether establishing standards for any groups of FLBs not currently subject to standards could result in significant energy savings.

B. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the FLBs industry that will be used in DOE's analysis throughout the rulemaking process. DOE uses qualitative and quantitative information to characterize the structure of the industry and market. DOE identifies manufacturers, estimates market shares and trends, addresses regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption, and explores the potential for efficiency improvements in the design and manufacturing of FLBs. DOE also reviews product literature, industry publications, and company websites. Additionally, DOE considers conducting interviews with manufacturers to improve its assessment of the market and available technologies for FLBs.

1. Product Classes

When evaluating and establishing energy conservation standards, DOE may divide covered products into product classes by the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6295(q)(1)) In making a determination whether capacity or another performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. (*Id.*)

For FLBs, the current energy conservation standards specified in 10 CFR 430.32(m) are based on 7 product classes listed in Table II.1.

[3] On March 16, 2022, the Fifth Circuit Court of Appeals (No. 22–30087) granted the federal government's emergency motion for stay pending appeal of the February 11, 2022, preliminary injunction issued in *Louisiana* v. *Biden,* No. 21–cv–1074–JDC–KK (W.D. La.). As a result of the Fifth Circuit's order, the preliminary injunction is no longer in effect, pending resolution of the federal government's appeal of that injunction or a further court order. Among other things, the preliminary injunction enjoined the defendants in that case from ''adopting, employing, treating as binding, or relying upon'' the interim estimates of the social cost of greenhouse gases—which were issued by the Interagency Working Group on the Social Cost of Greenhouse Gases on February 26, 2021—to monetize the benefits of reducing greenhouse gas emissions. In the absence of further intervening court orders, DOE has reverted to its approach prior to the injunction and present monetized benefits where appropriate and permissible by law.

TABLE II.1—CURRENT FLUORESCENT LAMP BALLASTS PRODUCT CLASSES

Product Class	
IS/RS Commercial	Instant start (''IS'') and rapid start (''RS'') ballasts (not classified as residential) that operate: 4-foot medium bipin lamps. 2-foot U-shaped lamps. 8-foot slimline lamps.
PS Commercial	Programmed start ballasts (not classified as residential) (*i.e.,* commercial) that operate: 4-foot medium bipin lamps. 2-foot U-shaped lamps. 4-foot miniature bipin standard output lamps. 4-foot miniature bipin high output lamps.
IS/RS 8-foot HO	Instant start and rapid start ballasts (not classified as sign ballasts) that operate 8-foot high output lamps.
PS 8-foot HO	Programmed start ballasts (not classified as sign ballasts) that operate 8-foot high output lamps.
Sign	Sign ballasts that operate 8-foot high output lamps.
IS/RS Residential	Instant start and rapid start residential ballasts that operate: 4-foot medium bipin lamps. 2-foot U-shaped lamps. 8-foot slimline lamps.
PS Residential	Programmed start residential ballasts that operate: 4-foot medium bipin lamps. 2-foot U-shaped lamps.

DOE requests feedback on the current FLB product classes, whether changes to these individual product classes and their descriptions should be made, and whether certain classes should be merged or separated.

In the December 2020 Final Determination, DOE analyzed new lamp types in existing product classes based on a review of the latest product offerings on the market. DOE added 4-foot miniature bipin (''MiniBP'') standard output (''SO'') and 4-foot MiniBP high output (''HO'') lamp types to the instant start (''IS'')/rapid start (''RS'') commercial (not classified as residential), IS/RS residential, and PS residential product classes. 85 FR 81558, 81564–81565. For the dimming product class, DOE identified 4-foot MBP, 4-foot MiniBP SO, 4-foot MiniBP HO, and 2-foot U-shaped as lamp types operated by dimming ballasts. 85 FR 81558, 81566.

DOE requests feedback on whether it should include additional lamp types in any of the current product classes.

As noted in section II.A in the December 2020 Final Determination, DOE included dimming ballasts in its analysis. In the December 2020 Final Determination DOE also evaluated dimming ballasts as a separate product class in order to account for the added circuitry in dimming ballasts that make them less efficient than comparable standard ballasts. DOE also based the analysis on measuring the ballasts luminous efficiency (''BLE'') at full light output for all ballasts, including dimming ballasts. 85 FR 81558, 81564–81565.

DOE seeks information regarding any other new product classes it should consider for inclusion in its analysis. Specifically, DOE requests information on performance-related features that provide unique consumer utility and data detailing the corresponding impacts on energy use that would justify separate product classes (*i.e.,* explanation for why the presence of these performance-related features would increase energy consumption).

2. Technology Assessment

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. That analysis will likely include a number of the technology options DOE previously considered during in the December 2020 Final Determination. 85 FR 81558, 81566. A complete list of those prior options appears in Table II.2.

TABLE II.2—TECHNOLOGY OPTIONS FOR FLB CONSIDERED IN THE DEVELOPMENT OF THE DECEMBER 2020 FINAL DETERMINATION

Technology option	Description
Electronic Ballast	Use an Electronic Ballast Design.
Improved Components:	
Transformers/Inductors	Use litz wire to reduce winding losses. Use wire with multiple smaller coils instead of one larger coil to increase the number of turns of wire. Use optimized-gauge copper to increase the conductor cross section to reduce winding losses. Use shape-optimized winding to reduce the proximity effect. Use low-loss ferrite materials to create the core of the inductor.
Diodes	Use diodes with a lower voltage drop.
Capacitors	Use capacitors with a lower effective series resistance.
Transistors	Use transistors with low drain-to-source resistance.
Improved Circuit Design:	
Cathode Cutout or Cutback	Remove or reduce cathode/filament heating after lamp has started.
Integrated Circuits	Substitute discrete components with an integrated circuit.
Starting Method	Use the IS starting method instead of a rapid start RS starting method.

DOE seeks information on the technologies listed in Table II.2 regarding their applicability to the current market and how these technologies may impact the efficiency of FLBs as measured according to the DOE test procedure. DOE also seeks information on how these technologies may have changed since they were considered in the December 2020 Final Determination. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

DOE seeks comment on other technology options that it should consider for inclusion in its analysis and if these technologies may impact product features or consumer utility.

C. Screening Analysis

The purpose of the screening analysis is to evaluate the technologies that improve equipment efficiency to determine which technologies will be eliminated from further consideration and which will be passed to the engineering analysis for further consideration.

DOE determines whether to eliminate certain technology options from further consideration based on the following criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in commercially viable, existing prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production of a technology in commercial products and reliable installation and servicing of the technology could not be achieved on the scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on product utility.* If a technology is determined to have a significant adverse impact on the utility of the product to subgroups of consumers, or result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.

(4) *Safety of technologies.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-pathway proprietary technologies.* If a technology has proprietary protection and represents a unique pathway to achieving a given efficiency level, it will not be considered further, due to the potential for monopolistic concerns.

10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from consideration.

Based on the five screening criteria, DOE did not screen out any technology options in the December 2020 Final Determination. 85 FR 81558, 81567.

DOE requests feedback on what impact, if any, the five screening criteria described in this section would have on each of the technology options listed in Table II.2 with respect to FLBs. Similarly, DOE seeks information regarding how these same criteria would affect any other technology options not already identified in this document with respect to their potential use in FLBs.

DOE requests comment on whether certain design options may not be applicable to (or incompatible with) specific product classes.

DOE requests feedback on whether, and if so how, manufacturers would incorporate the technology options listed in Table II.2 to increase energy efficiency in FLBs beyond the baseline. This includes information on the order in which manufacturers would incorporate the different technologies to incrementally improve the efficiencies of products. DOE also requests feedback on whether the increased energy efficiency would lead to other design changes that would not occur otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand.

DOE also seeks input on the increase in manufacturer production costs (''MPCs'') associated with incorporating each particular design option. Specifically, DOE is interested in whether and how the costs estimated for design options in the December 2020 Final Determination have changed since the time of that analysis. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

D. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of FLBs. There are two elements to consider in the engineering analysis; the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of product cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency products, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost, as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the national impact analysis (''NIA'')). The following sections seek public input on specific steps of the engineering analysis.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.,* the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.,* the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency level ''clusters'' that already exist on the market). Using the design option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design option approach to interpolate to define ''gap fill'' levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the max-tech level (particularly in cases where the max-tech level exceeds the maximum efficiency level currently available on the market).

In the December 2020 Final Determination, DOE selected more efficient substitutes in the engineering

analysis and determined the end-user prices of those substitutes in the product price determination. DOE estimated the end-user price of ballasts directly because reverse engineering ballasts is impractical due to the use of potting, which is a black pitch added to the ballast enclosure to reduce vibration damage and act as a heat sink for the circuit board. 85 FR 81558, 81567. DOE made no changes to the metric used to assess current FLB standards, BLE or to the equation form that relates the total lamp arc power operated by a ballast to BLE. 85 FR 81558, 81569.

$$BLE = \frac{A}{1 + B * power^{-C}}$$

Where: power = total lamp arc power; A, B, and C are constants that are specified in the FLB standard at 10 CFR 430.32(m). In the December 2020 Final Determination, DOE maintained the values for A and C and adjusted the value for B to reflect different efficiency levels in each product class. (85 FR 81558, 81569; see chapter 5 of the December 2020 Final Determination Technical Support Document (''TSD'')).

Further to determine the baseline models and efficiency levels, DOE used the BLE values from the compliance certification database to identify ballasts for all product classes except dimming. Because most dimming ballasts are not currently subject to standards and therefore did not have data in the compliance certification database, DOE determined BLE values by using catalog input power and the associated total lamp arc power. 85 FR 81558, 81567.

DOE seeks feedback on the approach of using DOE's compliance certification database, when possible and manufacturer catalogs, otherwise to collect data used in the engineering analysis.

For the December 2020 Final Determination, DOE did not analyze all 8 FLB product classes. 85 FR 81558, 81567–81568. Instead, DOE directly analyzed the following six product classes and ballast types as representative due to their high market volume:

(1) IS/RS Commercial: 2L 4-foot MBP; 4L 4-foot MBP, 2L 8-foot SP slimline.
(2) PS Commercial: 2L 4-foot MBP, 4L 4-foot MBP, 2L 4-foot MiniBP SO, 2L 4-foot MiniBP HO.
(3) IS/RS 8-foot HO: 2L 8-foot recessed double contact (''RDC'') HO.
(4) Sign: 4L 8-foot RDC HO.
(5) IS/RS Residential: 2L 4-foot MBP.
(6) Dimming: 2L 4-foot MBP 0–10V, 2L 4-foot MiniBP SO 0–10 V, 2L 4-foot MiniBP HO 0–10 V.

85 FR 81558, 81567–81568.

DOE did not directly analyze the PS 8-foot HO and PS Residential product classes and developed their efficiency levels by scaling the efficiency levels respectively from the IS/RS 8-foot HO and IS/RS Residential product classes. 85 FR 81558, 81571.

DOE requests feedback on the representative product classes and representative ballast types to directly analyze in this analysis.

For each established product class, DOE selects a baseline model as a reference point against which any changes resulting from new or amended energy conservation standards can be measured. The baseline model in each product class represents the characteristics of common or typical products in that class. Typically, a baseline model is one that meets the current minimum energy conservation standards and provides basic consumer utility. Consistent with this analytical approach, DOE tentatively plans to consider the current minimum energy conservations standards to establish the baseline efficiency levels for each product class. The current standards for FLBs are found at 10 CFR 430.32(m).

DOE requests feedback on whether the current established energy conservation standards for FLBs are appropriate baseline efficiency levels for DOE to apply to each product class in evaluating whether to amend the current energy conservation standards for these products.

DOE requests feedback on the appropriate baseline efficiency levels for any newly analyzed product classes that are not currently in place or for the contemplated combined product classes, as discussed in section II.B.1 of this document. For newly analyzed product classes, DOE requests energy use data to characterize the baseline efficiency level.

As part of DOE's analysis, the maximum available efficiency level is the highest efficiency unit currently available on the market. DOE defines a max-tech efficiency level to represent the theoretical maximum possible efficiency if all available design options are incorporated in a model. In applying these design options, DOE would only include those that are compatible with each other that when combined, would represent the theoretical maximum possible efficiency. In many cases, the max-tech efficiency level is not commercially available because it is not economically feasible. As noted previously, in the December 2020 Final Determination, DOE determined max-tech efficiency levels based on products in DOE's compliance certification database for all product classes except, due to lack of data, for the dimming product class. For the dimming product class DOE used manufacturer catalogs. 85 FR 81558, 81567. Table II.3 shows the representative units at the max-tech efficiency levels identified in the December 2020 Final Determination. Table II.4 shows the associated equations for the max-tech efficiency levels. 85 FR 81558, 81569–81571.

TABLE II.3—MAXIMUM EFFICIENCY REPRESENTATIVE UNITS FROM THE DECEMBER 2020 FINAL DETERMINATION

Representative product class	Ballast type	Lamp type	Starting method	Input voltage (V)/ operating voltage *	Power factor	Ballast factor	Input power (W)	BLE
IS/RS Commercial	2L 4-foot MBP	32 W T8	IS	277, Universal	0.99	0.89	55.3	0.940
	4L 4-foot MBP	32 W T8	IS	277, Universal	0.98	0.87	107.0	0.950
	2L 8-foot SP slimline	59 W T8	IS	277, Universal	0.98	0.87	105.1	0.945
PS Commercial	2L 4-foot MBP	32 W T8	PS	277, Universal	0.98	0.88	53.9	0.953
	4L 4-foot MBP	32 W T8	PS	277, Universal	0.99	0.87	107.6	0.944
	2L 4-foot MiniBP SO	28 W T5	PS	277, Universal	0.98	1.00	59.8	0.929
	2L 4-foot MiniBP HO	54 W T5	PS	277, Universal	0.98	1.00	113.6	0.947
IS/RS 8-foot HO	2L 8-foot RDC HO	110 W T12	RS	277, Universal	0.98	0.90	188.0	0.957
Sign	4L 8-foot RDC HO	110 W T12	IS	120, Dedicated	0.90	0.61	258.4	0.944
IS/RS Residential	2L 4-foot MBP	32 W T8	IS	120, Dedicated	0.55	0.83	53.1	0.913
Dimming	2L 4-foot MBP 0–10V	32 W T8	PS	277, Universal	0.99	0.88	56.0	0.918
	2L 4-foot MiniBP SO 0–10V.	28 W T5	PS	277, Universal	0.99	1.00	61.0	0.911
	2L 4-foot MiniBP HO 0–10V.	54 W T5	PS	277, Universal	0.98	1.00	115.9	0.928

TABLE II.4—MAXIMUM EFFICIENCY LEVELS FROM THE DECEMBER 2020 FINAL DETERMINATION RULE

Representative Product Class	Maximum efficiency level A/(1+B *total lamp arc power$^{\wedge}$ − C)		
	A	B	C
IS/RS Commercial	0.993	0.16	0.25
PS Commercial	0.993	0.31	0.37
IS/RS Residential	0.993	0.24	0.25
IS/RS 8-foot HO	0.993	0.14	0.25
Sign	0.993	0.24	0.25
Dimming	0.993	0.4	0.37

DOE seeks input on whether the maximum available efficiency levels are appropriate and technologically feasible for potential consideration as possible energy conservation standards for the products at issue—and if not, why not. DOE also seeks comment on whether the max tech levels have changed since the December 2020 Final Determination.

DOE also requests feedback on whether the maximum available efficiencies presented in Table II.4 are representative of those for the other FLBs product classes not directly analyzed in the December 2020 Final Determination. If the range of possible efficiencies is different for the other product classes not directly analyzed, DOE requests information on alternative approaches DOE should consider using for those product classes.

DOE seeks feedback on what design options would be incorporated at a max-tech efficiency level, and the efficiencies associated with those levels. As part of this request, DOE also seeks information as to whether there are limitations on the use of certain combinations of design options.

2. Cost Analysis

As described at the beginning of this section, the main outputs of the engineering analysis are cost-efficiency relationships that describe the estimated increases in manufacturer production cost associated with higher-efficiency products for the analyzed product classes. The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including availability and reliability of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the product on the market. The cost approaches are summarized as follows:

- *Physical teardowns:* Under this approach, DOE physically dismantles a commercially available product, component-by-component, to develop a detailed bill of materials for the product.
- *Catalog teardowns:* In lieu of physically deconstructing a product, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the bill of materials for the product.
- *Price surveys:* If neither a physical nor catalog teardown is feasible (for example, for tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable) or cost-prohibitive and otherwise impractical (*e.g.,* large commercial boilers), DOE conducts price surveys using publicly available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

Using the price survey approach, in the December 2020 Final Determination, DOE developed end-user prices for the representative units sold in each of the main distribution channels identified for FLBs. DOE then calculated an average weighted end-user price using estimated shipments that go through each distribution channel. 85 FR 81558, 81571.

Specifically, in the December 2020 Final Determination, DOE identified two types of distribution channels through which most FLBs pass from the manufacturer to the consumer: the fixture ballast distribution channel and the replacement ballast distribution channel. The fixture ballast distribution channel applies to ballasts sold in fixtures where the manufacturer sells the ballast to a fixture manufacturer—who in turn sells the fixture, including the ballast, to an electrical wholesaler. The replacement ballast distribution channel applies to ballasts sold without fixtures (*e.g.,* replacement ballasts) where the manufacturer sells the ballast directly to an electrical wholesaler. DOE determined that in both distribution channels, electrical wholesalers sell ballasts to the consumer in (1) large volume via a contractor; (2) in large volume without a contractor; or (3) in low volume without a contractor. DOE assumed that the low volume path accounted for the distribution of residential ballasts. (85 FR 81558, 81571; see chapter 6 of the December 2020 Final Determination TSD).

DOE collected prices from electrical distributors and internet retailers for each representative unit and/or ballast with similar performance characteristics to develop an average wholesaler price. DOE then used this average wholesaler price to determine the end-user prices for ballasts going through each wholesaler pathway: large volume (no contractor), large volume (with contractor), and low volume (no contractor). For the large volume (contractor) pathway, DOE applied an estimated contractor markup of 13 percent to the average wholesaler prices as these ballasts are purchased in large quantities through a contractor. For the low volume (no contractor) pathway ballasts DOE applied an estimated 20 percent markup to the average wholesaler price as these ballasts are purchased in smaller quantities by consumers directly from the electrical wholesaler. (85 FR 81558, 81571; see chapter 6 of the December 2020 Final Determination TSD).

DOE then weighted the large volume (with contractor) price by 85 percent; large volume (no contractor) price by 10 percent; and low volume (no contractor) price by 5 percent to develop an average weighted end-user price for each representative unit. DOE used this average weighted end-user price as the price paid through the replacement channel and for the fixture channel, applied a 21 percent original equipment manufacturer (''OEM'') markup to it. DOE then applied a 50 percent weighting to the resulting replacement channel price and fixture channel price to obtain the final average end-user price for each representative unit. (85 FR 81558, 81571; see chapter 6 of the December 2020 Final Determination TSD).

DOE requests feedback on the whether the methodology described above for the cost analysis is appropriate, as well as information on the existence of any distribution

channels other than those described and their assigned weighting.

DOE requests feedback on whether the prices of FLBs have changed since the December 2020 Final Determination. In particular, DOE requests comment on whether the incremental difference between the price of a ballast at the baseline level and the price of a ballast at a higher efficiency level (including the max tech level) has changed.

E. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how products are used by consumers, and thereby determine the energy savings potential of energy efficiency improvements. DOE bases the energy consumption of fluorescent lamp ballasts on the rated annual energy consumption as determined by the DOE test procedure. Along similar lines, the energy use analysis is meant to represent typical energy consumption in the field.

1. Operating Hours

In the December 2020 Final Determination, DOE developed annual operating hours by sector using the most recent data available from the 2015 U.S. Lighting Market Characterization (''LMC'') which was published in 2017.[4] 85 FR 81558, 81572. As stated in the December 2020 Final Determination TSD, fluorescent lamp ballasts operated 721 hours in the residential sector; 3,017 hours in the commercial sector (IS/RS ballasts); 2,112 hours in the commercial sector (PS ballasts and accounts for lighting controls); 4,380 hours in the industrial sector; and 3,285 hours in the outdoor sector. (See chapter 6 of the December 2020 Final Determination TSD).

In Table II.5 DOE calculated the average annual energy use by multiplying the operating hours per sector times the input power of representative units at the max-tech efficiency levels identified in the December 2020 Final Determination from Table II.4. This would be a similar approach that DOE would use in the energy-use analysis.

TABLE II.5—MAXIMUM EFFICIENCY INPUT POWER RATINGS AND AVERAGE ENERGY USE FROM THE DECEMBER 2020 FINAL DETERMINATION

Representative product class	Ballast type	Lamp type	Starting method	Input voltage (V)/ operating voltage*	Input power (W)	Average operating hours (hours/year)	Average annual energy use (kWh/year)
IS/RS Commercial	2L 4-foot MBP	32 W T8	IS	277, Universal	55.3	3,153	174
	4L 4-foot MBP	32 W T8	IS	277, Universal	107.0	3,153	337
	2L 8-foot SP slimline	59 W T8	IS	277, Universal	105.1	3,153	331
PS Commercial	2L 4-foot MBP	32 W T8	PS	277, Universal	53.9	2,339	126
	4L 4-foot MBP	32 W T8	PS	277, Universal	107.6	2,339	252
	2L 4-foot MiniBP SO	28 W T5	PS	277, Universal	59.8	2,339	140
	2L 4-foot MiniBP HO	54 W T5	PS	277, Universal	113.6	2,339	266
IS/RS 8-foot HO	2L 8-foot RDC HO	110 W T12	RS	277, Universal	188.0	3,153	593
Sign	4L 8-foot RDC HO	110 W T12	IS	120, Dedicated	258.4	3,285	849
IS/RS Residential	2L 4-foot MBP	32 W T8	IS	120, Dedicated	53.1	721	38
Dimming	2L 4-foot MBP 0–10V	32 W T8	PS	277, Universal	56.0	2,971	166
	2L 4-foot MiniBP SO 0–10V	28 W T5	PS	277, Universal	61.0	2,971	181
	2L 4-foot MiniBP HO 0–10V	54 W T5	PS	277, Universal	115.9	2,971	344

DOE requests feedback on data sets to determine operating hours for fluorescent lamp ballasts, and the approach of multiplying the operating hours by input power to determine energy usage.

2. Lamp Mixture

Fluorescent lamp ballasts operate general service fluorescent lamps (''GSFL'') and in some cases tubular light-emitting diodes (''TLEDs'') intended for direct replacement of GSFLs (known as UL Type A or UL Type A/B TLEDs). Although neither GSFLs nor TLEDs are within the scope of this potential amended standard, the mixture of these lamps directly affects the energy use of fluorescent lamp ballasts.

In the December 2020 FLB Final Determination, DOE assumed for certain ballasts that the ballast would operate a reduced wattage option of the lamp or a TLED. Table II.6 is from the December 2020 Final Determination TSD.

TABLE II.6—WEIGHTING FACTORS FOR BALLAST-LAMP COMBINATIONS FOR FLUORESCENT LAMP BALLASTS BY PRODUCT CLASS FROM DECEMBER 2020 FINAL DETERMINATION

Product class	Ballast	Lamp type	Weighting factor in 2023*
IS/RS Commercial	2L 4-foot Medium Bipin (MBP)	F32T8	19
IS/RS Commercial	2L 4-foot MBP	F32T8 (28W)	45
IS/RS Commercial	2L 4-foot MBP	F32T8 (25W)	10
IS/RS Commercial	2L 4-foot MBP	TLED	26
IS/RS Commercial	2L 4-foot MBP	F40T12	0
IS/RS Commercial	4L 4-foot MBP	F32T8	19
IS/RS Commercial	4L 4-foot MBP	F32T8 (28W)	45
IS/RS Commercial	4L 4-foot MBP	F32T8 (25W)	10
IS/RS Commercial	4L 4-foot MBP	TLED	26
IS/RS Commercial	2L 8-foot Slimline	F96T8 (59W)	71
IS/RS Commercial	2L 8-foot Slimline	F96T8 (54W)	5
IS/RS Commercial	2L 8-foot Slimline	F96T8 (50W)	4

[4] U.S. Department of Energy–Office of Energy Efficiency and Renewable Energy. 2015 U.S. Lighting Market Characterization. November 2017. *https://energy.gov/eere/ssl/2015-us-lighting-market characterization.*

TABLE II.6—WEIGHTING FACTORS FOR BALLAST-LAMP COMBINATIONS FOR FLUORESCENT LAMP BALLASTS BY PRODUCT CLASS FROM DECEMBER 2020 FINAL DETERMINATION—Continued

Product class	Ballast	Lamp type	Weighting factor in 2023 *
IS/RS Commercial	2L 8-foot Slimline	F96T12 (75W)	21
PS Commercial	2L 4-foot MBP	F32T8	19
PS Commercial	2L 4-foot MBP	F32T8 (28W)	45
PS Commercial	2L 4-foot MBP	F32T8 (25W)	10
PS Commercial	2L 4-foot MBP	TLED	26
PS Commercial	4L 4-foot MBP	F32T8	19
PS Commercial	4L 4-foot MBP	F32T8 (28W)	45
PS Commercial	4L 4-foot MBP	F32T8 (25W)	10
PS Commercial	4L 4-foot MBP	TLED	26
PS Commercial	2L 4-foot miniature bipin (MiniBP) standard output (SO).	F28T5	100
PS Commercial	2L 4-foot MiniBP SO	F28T5 (26W)	0
PS Commercial	2L 4-foot MiniBP SO	F28T5 (25W)	0
PS Commercial	2L 4-foot MiniBP HO	F54T5HO	56
PS Commercial	2L 4-foot MiniBP HO	F54T5HO (49W)	21
PS Commercial	2L 4-foot MiniBP HO	F54T5HO (47W)	23
IS/RS 8-foot HO	2L 8-foot recessed double contact (RDC) HO.	F96T12HOCT (110W)	100
IS/RS 8-foot HO	2L 8-foot RDC HO	F96T8HO	0
Sign	2L 4-foot MBP	F96T12HOCT (110W)	100
Sign	2L 4-foot MBP	F96T8HOCT	0
IS/RS Residential	2L 4-foot MBP	F32T8	32
IS/RS Residential	2L 4-foot MBP	F32T8 (28W)	33
IS/RS Residential	2L 4-foot MBP	F32T8 (25W)	7
IS/RS Residential	2L 4-foot MBP	TLED	26
IS/RS Residential	2L 4-foot MBP	F40T12	2
Dimming	2L 4-foot MBP	F32T8	92
Dimming	2L 4-foot MBP	F32T8 (28W)	7
Dimming	2L 4-foot MBP	F32T8 (25W)	1
Dimming	2L 4-foot MiniBP SO	F28T5	100
Dimming	2L 4-foot MiniBP HO	F54T5HO	100

* Weights may not total to 100 percent for each and every ballast due to rounding.

DOE requests feedback on the proportion of lamps operating on fluorescent ballasts in 2023 and how that mixture is expected to change over time.

F. Life-Cycle Cost and Payback Analysis

DOE conducts the LCC and PBP analysis to evaluate the economic effects of potential energy conservation standards for FLBs on individual consumers. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total consumer expense over the life of the equipment, consisting of purchase, installation, and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the cost of the equipment—which includes manufacturer selling prices (''MSPs''), distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, product lifetimes, discount rates, and the year that compliance with new and amended standards is required.

1. Installation Costs

Installation cost includes labor, overhead, and any miscellaneous materials and parts needed to install the product. DOE used data from RSMeans to estimate the baseline installation cost for fluorescent lamp ballasts. In the December 2020 Final Determination, DOE used the same installation costs for ballasts at each level. 85 FR 81558, 81574.

DOE requests information on installation costs of fluorescent lamp ballasts; using RSMeans (or other data sources) for labor; and treating the installation cost the same for all efficiency levels.

2. Repair and Maintenance Costs

Repair costs are associated with repairing or replacing product components that have failed in an appliance; maintenance costs are associated with maintaining the operation of the product. In the December 2020 Final Determination, DOE modeled ballasts as not being repaired. 85 FR 81558, 81574. In the December 2020 Final Determination, DOE modeled no direct maintenance on the ballasts and maintenance only related to fluorescent lamp replacement. 85 FR 81558, 81574.

DOE requests information and data on the frequency of repair and repair costs by product class for the technology options listed in Table II.2 of this document. Although DOE is interested in information regarding each of the listed technology options. DOE is also interested in whether consumers replace the products when they fail, as opposed to repairing them.

DOE requests feedback and data on whether maintenance costs differ in comparison to the baseline maintenance costs for any of the specific technology options listed in Table II.2 of this document.

3. Efficiency Distributions

To estimate the share of affected consumers who would likely be affected by a standard at a particular efficiency level, the LCC analysis considers the estimated distributions of efficiencies of products that consumers purchase under the no-new-standards case (*i.e.,* base efficiency distributions). In the December 2020 Final Determination,

DOE developed efficiency distributions from DOE's Compliance Certification Database.[5]

DOE requests information on efficiency distributions of FLBs and for other sources besides DOE's Compliance Certification Database.

4. Product Lifetimes

In the December 2020 Final Determination, DOE discussed the review of fluorescent ballast lifetime. DOE used 12.5-year average lifetime for commercial sector installations, 11.4-year average lifetime for industrial sector installations, a 12.5-year average lifetime for outdoor lighting, and a 15-year life for the residential sector. 85 FR 81558, 81574–81575.

DOE requests information on the rated lifetime of fluorescent lamp ballasts. DOE also requests information on the frequency of fluorescent lamp ballasts that may be pre-maturely retired before end of expected lifetime.

G. Shipments

DOE develops shipments forecasts of fluorescent lamp ballasts to calculate the national impacts of potential amended energy conservation standards on energy consumption, net present value (''NPV''), and future manufacturer cash flows. DOE shipments projections are based on available historical data broken out by product class and lamp quantity. Current sales estimates allow for a more accurate model that captures recent trends in the market.

Fluorescent lamp ballasts operate GSFL and in some cases TLEDs intended for direct replacement of GSFLs (known as UL Type A or UL Type A/B TLEDs). Although neither GSFLs nor TLEDs are within the scope of this potential amended standard, shipments of these technologies directly relate to shipment volume of fluorescent lamp ballasts.

On February 13, 2023, DOE published a final determination to not amend standards for GSFLs. 88 FR 9118 (''February 2023 GSFL Final Determination''). In this determination DOE forecasted shipments of GSFLs and TLEDs. DOE only received one comment on the shipments analysis for the February 2023 GSFL Final Determination which was from the National Electrical Manufacturers Association (''NEMA''). NEMA directed DOE to the NEMA Lamp Index[6] for GSFLs. (Docket No. EERE–2019–BT–STD–0030, NEMA, No. 18 at p. 3) DOE reviewed the sales indices of the linear lamp market published by NEMA for 2015–2020. DOE included that data to seed DOE's GSFL shipment model. These indices show a steep decline of GSFL sales for all lamp types over that five-year period. 88 FR 9118, 9130.

In the February 2023 GSFL Final Determination, DOE assumed that in each shipment's projection year, demand would only be for replacement service of existing GSFL installation and not for new installations. 88 FR 9118, 9130. DOE also assumed that a fixed fraction of all tubular lamp stock (both GSFL and TLEDs) in each year leave the market because of retrofits or renovations to integrated LED fixtures. As a result of this assumption, the total number of lamps that may retire per year is reduced and ultimately each year the tubular lamp market reduces in size. (*Id.)* If the linear lamp market reduces in size because of renovations that retire linear lamps for LED fixtures, this also reduces the size of the FLB market each year.

In the February 2023 GSFL Final Determination, based on multiple inputs and assumptions, the GSFL shipments model forecasted that the linear lamp market would continue to shift quickly to LED over the analysis period (2021–2055) in the no-new-standards case. 88 FR 9118, 9130.

On October 22, 2019, DOE published a notice of proposed determination (''October 2019 FLB Proposed Determination''). 84 FR 56540. In the October 2019 FLB Proposed Determination, DOE stated that DOE agreed with commenters that FLB shipments were declining and modeled four no-new standards.

(1) Scenario #1—declining shipments that all terminate in 2024. This scenario is based on the data supplied by NEMA and others depicting the decline between 2010 and 2014. The scenario also assumes at all new construction migrates to other lights sources than fluorescent technology.

(2) Scenario #2—declining shipments that all terminate in 2040. This scenario was based on comments from manufacturers during the manufacturer impact analysis (''MIA'') process and written comments of a reduction in shipments of 10 to 20 percent per year. This scenario assumes that most new construction is utilizing other light sources besides fluorescent technology.

(3) Scenario #3—declining shipments that approach zero near the end of the analysis period (2052). This scenario is close to a year-over-year linear reduction of shipments by 20 percent. This scenario was based on data of shipments of other lighting technologies. The rate of decline is less compared to the scenario 2 partially to address comments received about UL Type A TLEDs operating on fluorescent lamp ballasts.

(4) Scenario #4—declining shipments that terminate near the end of the analysis period. This scenario is based on a slower declination rate in the initial part of the analysis period and is similar to a projected decline in fluorescent lamps. This scenario was based on a slower decline rate in the initial part of the analysis period. 84 FR 56540, 56572.

In response to the October 2019 FLB Proposed Determination, NEMA commented that any shipment scenario that includes a near-20 percent rate of decline is useful for estimations and modeling (Docket No. EERE–2015–BT–STD–0006, NEMA, No. 24 at p. 5).

In the December 2020 FLB Final Determination, DOE chose scenario #3 (declining shipments that approach zero near 2052 with an approximate linear year-over-year reduction of shipments by 20 percent) as the Reference case. 85 FR 81558, 81576.

Table II.7 lists the forecasted shipments from the December 2020 Final Determination for fluorescent lamp ballasts for all four scenarios. Table II.7 lists the forecasted shipments for 2022 to help calibrate the shipments model for this analysis. DOE listed the shipments for forecasted for 2030, 2040, and 2050 to reflect the forecasted decline of shipments.

[5] For the public version of DOE's Compliance Certification Management System, see *https://www.regulations.doe.gov/ccms.*

[6] NEMA Lamp Indices, available at *https://www.nema.org/analytics/lamp-indices.*

TABLE II.7—SHIPMENTS FOR FLUORESCENT LAMP BALLASTS BY PRODUCT CLASS FROM DECEMBER 2020 FINAL DETERMINATION

Representative product class	Scenario	Shipments forecast in 2022	Shipments forecast in 2030	Shipments forecast in 2040	Shipments forecast in 2050
IS/RS Commercial	1	893,452	0	0	0
	2	11,648,580	2,264,359	147	0
	3	13,935,358	7,040,094	2,446,833	481,719
	4	17,099,980	12,684,172	4,831,126	1,601,403
PS Commercial	1	391,293	0	0	0
	2	5,101,568	991,690	64	0
	3	6,103,076	3,083,253	1,071,606	210,972
	4	7,489,042	5,233,030	2,115,822	701,344
IS/RS 8-foot HO	1	8,152	0	0	0
	2	106,283	20,660	1	0
	3	127,147	64,234	22,325	4,395
	4	156,022	109,021	44,080	14,611
Sign	1	48,912	0	0	0
	2	637,696	123,961	8	0
	3	762,885	385,407	133,951	26,371
	4	936,130	654,129	264,478	87,668
IS/RS Residential	1	163,055	0	0	0
	2	2,125,866	413,246	27	0
	3	2,543,203	1,284,817	446,547	87,914
	4	3,120,746	2,180,647	881,681	292,256
Dimming	1	30,977	0	0	0
	2	403,874	78,509	5	0
	3	483,160	244,091	84,835	16,702
	4	592,883	414,282	167,503	55,523

DOE requests 2022 annual sales data (*i.e.,* number of shipments) for fluorescent lamp ballasts by product class. If disaggregated fractions of annual sales are not available at the product class level, DOE requests more aggregated fractions of annual sales at the product class level. Sales data for 2022 will allow DOE to calibrate the shipment model.

DOE requests 2020 and 2022 data on the fraction of sales in the residential and commercial sector for IS/RS ballasts.

If available, DOE requests historical sales information for the product classes in Table II.7 for the previous five years (2017–2022).

DOE requests information considering the February 2023 GSFL Final Determination about which shipment scenario from the December 2020 Final Determination is now most likely for fluorescent lamp ballasts.

H. National Impact Analysis

The purpose of the national impact analysis (''NIA'') is to estimate the aggregate economic impacts of potential efficiency standards at the national level. The NIA assesses the national energy savings (''NES'') and the national net present value (''NPV'') of total consumer costs and savings that would be expected to result from new or amended standards at specific efficiency levels.

In the December 2020 Final Determination, DOE evaluated the effects of new and amended standards for fluorescent lamp ballasts by comparing no-new-standard-case projections with standards-case projections. The no-new-standards-case projections characterize energy use and consumer costs for each product class in the absence of new or amended energy conservation standards. DOE compared these projections with projections characterizing the market for each product class if DOE adopted new or amended standards at specific energy efficiency levels for that class. In charactering the no-new-standards and standards cases, DOE considered historical shipments, the mix of efficiencies sold in the absence of amended standards, and how that mix may change over time. The December 2020 Final Determination assumed no rebound effect. DOE stated that most consumers are commercial and industrial consumers, and that the user tends to not see the energy bills, so there would be no perceived change in the cost of using the light. 85 FR 81588, 81573.

DOE requests feedback and information on whether a rebound rate of 0 percent is appropriate for fluorescent lamp ballasts. If an alternate rebound rate should be used, DOE requests information and data in support of the alternate rate.

I. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to estimate the financial impact of amended energy conservation standards on manufacturers of FLBs, and to evaluate the potential impact of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for each product in this analysis, with the key output of industry net present value (''INPV''). The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends.

As part of the MIA, DOE intends to analyze impacts of amended energy conservation standards on subgroups of manufacturers of covered products, including small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the applicable North American Industry

Classification System (''NAICS'') code.[7] Manufacturing of FLBs is classified under NAICS 335311, ''Power, Distribution, and Specialty Transformer Manufacturing,'' and the SBA sets a threshold of 750 employees or less for a domestic entity to be considered as a small business. This employee threshold includes all employees in a business' parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves examining the cumulative impact of multiple DOE standards and the product-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute FLBs in the United States.

DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by amended energy conservation standards. DOE requests the names and contact information of small business manufacturers, as defined by the SBA's size threshold, of FLBs that manufacture products in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by amended energy conservation standards. DOE requests feedback on any potential approaches that could be considered to address impacts on manufacturers, including small businesses.

DOE requests information regarding the cumulative regulatory burden impacts on manufacturers of FLBs associated with (1) other DOE standards applying to different products that these manufacturers may also make and (2) product-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and whether there are any flexibilities it can consider that would reduce this burden while remaining consistent with the requirements of EPCA.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of amended energy conservations standards for FLBs. After the close of the comment period, DOE will review the public comments received and may begin collecting data and conducting the analyses discussed in this document.

Submitting comments via *www.regulations.gov.* The *www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies Office staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI''). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email to *FLB2023STD0005@ee.doe.gov* two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential,

[7] Available online at *www.sba.gov/document/support-table-size-standards* (last accessed February 13, 2023).

and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process or would like to request a public meeting should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on March 21, 2023, by Francisco Alejandro Moreno, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 22, 2023.

Treena V. Garrett,

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

[FR Doc. 2023–06265 Filed 3–24–23; 8:45 am]

BILLING CODE 6450–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 652

RIN 3052–AD51

Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements

AGENCY: Farm Credit Administration.

ACTION: Advanced notice of proposed rulemaking; extension of comment period.

SUMMARY: The Farm Credit Administration (FCA) Board extends the comment period on the Advanced Notice of Proposed Rulemaking (ANPRM) seeking public comment on whether and how FCA should amend and strengthen the regulatory capital framework for the Federal Agricultural Mortgage Corporation (Farmer Mac or Corporation), so that interested parties will have additional time to provide comments.

DATES: You may send comments on the ANPRM on or before April 26, 2023.

ADDRESSES: For accuracy and efficiency reasons, FCA encourages commenters to submit comments by email or through the FCA's website. As facsimiles (fax) are difficult to process and achieve compliance with section 508 of the Rehabilitation Act, comments submitted by fax are not accepted. Regardless of the method used, please do not submit comments multiple times via different methods. Comments may be submitted by any of the following methods:

- *Email:* Send an email to *reg-comm@fca.gov.*
- *FCA website: http://www.fca.gov.* Click inside the ''I want to . . .'' field near the top of the page; select ''comment on a pending regulation'' from the dropdown menu; and click ''Go.'' This takes you to an electronic public comment form.
- *Mail:* Joseph T. Connor, Acting Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

FCA posts all comments on the FCA website. FCA shows comments as submitted, including any supporting data provided, but for technical reasons may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, FCA will attempt to remove email addresses to help reduce internet spam.

Copies of all comments received may be reviewed on the FCA website at *http://www.fca.gov.* Once on the website, click inside the ''I want to . . .'' field near the top of the page; select ''find comments on a pending regulation'' from the dropdown menu; and click ''Go.'' This will take you to the Comment Letters page where you can select the regulation for which you would like to read the public comments. You may also review comments at the FCA office in McLean, Virginia. Please call us at (703) 883–4056 or email us at *reg-comm@fca.gov* to make an appointment.

FOR FURTHER INFORMATION CONTACT: Joseph T. Connor, *connorj@fca.gov,* Acting Director, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4280, TTY (703) 883–4056, or Andra Grossman, *grossmana@fca.gov,* Attorney Advisor, or Jennifer Cohn, *cohnj@fca.gov,* Assistant General Counsel, Office of the General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: On January 24, 2023, FCA published an ANPRM in the **Federal Register** seeking comments from the public on whether and how to amend and strengthen the regulatory capital framework in furtherance of Farmer Mac's safe and sound operations and its role in promoting affordable and sustainable access to credit in agricultural and rural communities. The comment period is scheduled to expire on March 27, 2023. The Farm Credit Council, on behalf of Farm Credit System banks and associations, has requested more time for comments to be submitted and specifically asked for an additional 30 days. In response to this request, FCA is extending the comment period for an additional 30 days. The FCA supports public involvement and participation in its regulatory process and invites all interested parties to review and provide comments on the proposed rule.

Authority: Secs. 4.12, 5.9, 5.17, 8.11, 8.31, 8.32, 8.33, 8.34, 8.35, 8.36, 8.37, 8.41 of the Farm Credit Act (12 U.S.C. 2183, 2243, 2252, 2279aa–11, 2279bb, 2279bb–1, 2279bb–2, 2279bb–3, 2279bb–4, 2279bb–5, 2279bb–6, 2279cc); sec. 514 of Pub. L. 102–552, 106 Stat. 4102; sec. 118 of Pub. L. 104–105, 110 Stat. 168; sec. 939A of Pub. L. 111–203, 124 Stat. 1326, 1887 (15 U.S.C. 78o–7 note) (July 21, 2010).

Dated: January 22, 2023.

Ashley Waldron,

Secretary, Farm Credit Administration Board.

[FR Doc. 2023–06239 Filed 3–24–23; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0429; Project Identifier AD–2022–00775–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 777 airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) that found the force limiter assemblies for the lateral control mechanism are not breaking out within the maximum design force requirements. This proposed AD would require inspecting or doing a records review to determine if a certain part number force limiter assembly is installed, and replacing affected force limiter assemblies with serviceable force limiter assemblies. The AD would also prohibit the installation of affected parts. 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 May 11, 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–2023–0429; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For The Boeing Company service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- 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. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2023–0429.

FOR FURTHER INFORMATION CONTACT: Douglas Y. Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206 231 3548; email: *Douglas.Tsuji@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–2023–0429; Project Identifier AD–2022–00775–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 Douglas Y. Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3548; email: *Douglas.Tsuji@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report from Boeing that it found an issue in production with the force limiter assemblies for the lateral control mechanism on the Model 777 airplanes not breaking out within the maximum design force requirements. The force limiter assemblies have a pre-loaded spring that lets them compress or extend when higher than normal forces are applied to a control wheel. During normal flight conditions, the force limiter assemblies are set in their neutral position and supply the load path for roll control. If there is a jam of a control wheel, the breakout mechanism from the force limiter assemblies lets the other control wheel operate and continue roll control. When a jam/restriction occurs on one side of the lateral controls, the pilot may not be able to override the jam preventing lateral control from the wheel. An investigation by Boeing found that too much BMS3–23 Corrosion Inhibiting Compound (CIC) was used during the assembly of the force limiter which resulted in an increase in their breakout forces. This condition, if not addressed, could result in the loss of lateral control from the wheel and potentially affect continued safe flight and landing.

FAA's Determination

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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021. This service information specifies procedures for replacing the lower and upper force limiter assemblies, part number (P/N) 253W1263–1, with force limiter assemblies, P/N 253W1263–3.

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**.

Proposed AD Requirements in This NPRM

This proposed AD would require inspecting or doing a records review to determine if a certain part number force limiter assembly is installed, and as applicable, accomplishing the actions specified in the service information already described, except as discussed under ''Differences Between this Proposed AD and the Service Information'' and except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected parts. For information on the procedures and compliance times, see this service information at *regulations.gov* by searching for and locating Docket No. FAA–2023–0429.

Differences Between This Proposed AD and the Service Information

The effectivity of Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021, is limited to Model 777–200LR, –300ER, and 777F series airplanes, line numbers 1531 through 1707 inclusive. However, the applicability of this proposed AD includes all Boeing Model 777–200, –200LR, –300, –300ER, and 777F series airplanes. Because the affected parts are rotable parts, the FAA has determined that these parts could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition. The FAA has confirmed with Boeing that the Accomplishment Instructions in Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021, are applicable to the expanded group of airplanes.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 353 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection or records review	1 work-hour × $85 per hour = $85	$0	$85	$30,005

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	7 work-hours × $85 per hour = $595	$8,960	$9,555

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all 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:

The Boeing Company: Docket No. FAA–2023–0429; Project Identifier AD–2022–00775–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 11, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder that the force limiter assemblies for the lateral control mechanism are not breaking out within the

maximum design force requirements. The FAA is issuing this AD to address the force limiter assemblies not breaking out within the maximum design force requirements. The unsafe condition, if not addressed, could result in the loss of lateral control from the wheel and potentially affect continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

(1) Within 12 months after the effective date of this AD, inspect the force limiter assembly to determine whether part number (P/N) 253W1263–1 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the force limiter assembly can be conclusively determined from that review.

(2) If, during an inspection or records review required by paragraph (g)(1) of this AD, any force limiter assembly, part number (P/N) 253W1263–1, is found, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021, except as specified by paragraph (h) of this AD, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–27A0124 RB, dated October 27, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021.

(h) Exceptions to Service Information Specifications

Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021, use the phrase ''the original issue date of Requirements Bulletin 777–27A0124 RB,'' this AD requires using ''the effective date of this AD.''

(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install a force limiter assembly, P/N 253W1263–1, on any airplane.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO 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 manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

For more information about this AD, contact Douglas Y. Tsuji, Senior Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone: 206 231 3548; email: *Douglas.Tsuji@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 the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 777–27A0124 RB, dated October 27, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

(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, *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on March 5, 2023.

Christina Underwood,

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

[FR Doc. 2023–06042 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0533; Airspace Docket No. 22–ANM–64]

RIN 2120–AA66

Modification of Class E Airspace; Pullman/Moscow Regional Airport, Pullman/Moscow, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace designated as a surface area, modify the Class E airspace extending upward from 700 feet above the surface, and remove the Class E airspace extending upward from 1,200 feet above the surface at Pullman/Moscow Regional Airport, Pullman/Moscow, WA. Additionally, this action proposes administrative amendments to update the airport's existing Class E airspace legal descriptions. These actions would support the safety and management of instrument flight rule (IFR) operations at the airport.

DATES: Comments must be received on or before May 11, 2023.

ADDRESSES: Send comments identified by FAA Docket No. [FAA–2022–0533] and Airspace Docket No. [22–ANM–64] using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 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 *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace to support IFR operations at Pullman/Moscow Regional Airport, Pullman/Moscow, WA.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Availability of Rulemaking Documents

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Incorporation by Reference

Class E2 and E5 airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11G, dated August 19, 2022 and effective September 15, 2022. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class E airspace designated as a surface area, modify the Class E airspace extending upward from 700 feet above the surface, and remove Class E airspace extending upward from 1,200 feet above the surface at Pullman/Moscow Regional Airport, Pullman/Moscow, WA.

The existing Class E surface area is comprised of a 4-mile radius around the airport. This area should be expanded to better contain departing IFR operations until they reach the base of adjacent controlled airspace on the Runway (RWY) 23 Obstacle Departure Procedure (ODP). A 4.5-mile radius around the airport would fully contain this procedure and appropriately contain IFR arrival operations between the surface and 1,000 feet above the surface. The existing extension northeast of the surface area centered on the airport's 046° bearing should be centered on the 058° bearing instead. It should also be widened on either side of the bearing—from 1.7 miles to 2.3 miles—to better contain departing IFR operations until they reach the base of adjacent controlled airspace on the RWY 5 ODP. The existing southwest extension to the surface area is no longer needed and should be removed.

The existing Class E airspace extending upward from 700 feet above the surface should be expanded 1.1 miles to the east to better contain arriving IFR operations below 1,500 feet above the surface on the Area Navigation (RNAV) Required Navigation Performance (RNP) Z RWY 23 approach. The existing Class E airspace extending upward from 700 feet above the surface should be greatly reduced from the southeast clockwise through the northeast as the airspace is no longer needed. The existing Class E airspace extending upward from 1,200 feet above the surface should be removed, as the area is already within the Spokane en route domestic airspace area.

Finally, the FAA proposes administrative modifications to the airport's legal descriptions. The city name on line 1 of the text headers in both legal descriptions should be updated from ''Pullman'' to ''Pullman/Moscow'' to match the FAA's database. The geographic coordinates located on line 3 of the text headers in both legal descriptions should be updated to match the FAA's database. The Class E surface area legal description should be updated to replace the outdated use of the phrases ''Notice to Airmen'' and ''Airport/Facility Directory.'' These phrases should read ''Notice to Air Missions'' and ''Chart Supplement,'' respectively, to align with the FAA's current nomenclature.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM WA E2 Pullman/Moscow, WA [Amended]

Pullman/Moscow Regional Airport, WA
(Lat. 46°44′30″ N, long. 117°06′42″ W)

That airspace within a 4.5-mile radius of the airport, and within 2.3 miles each side of the 058° bearing extending from the 4.5-mile radius to 7 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM WA E5 Pullman/Moscow, WA [Amended]

Pullman/Moscow Regional Airport, WA
(Lat. 46°44′30″ N, long. 117°06′42″ W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at a point on the 055° bearing, 11.1 miles from the airport, then clockwise along the airport's 11.1-mile radius to the 122° bearing, then to the 212° bearing at 6.4 miles, then to the 243° bearing at 7.3 miles, then to the 358° bearing at 6.6 miles, thence to the point of beginning.

* * * * *

Issued in Des Moines, Washington, on March 20, 2023.

B.G. Chew,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2023–06111 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 231

CHIPS for America Incentives Program Webinar on Notice of Proposed Rulemaking for National Security Guardrails

AGENCY: CHIPS Program Office, National Institute of Standards and Technology (NIST), U.S. Department of Commerce.

ACTION: Notice of public webinar.

SUMMARY: The CHIPS Program Office will host a public webinar in connection with the Notice of Proposed Rulemaking for national security guardrails included in the CHIPS for America Incentives Program. In this webinar, the CHIPS Program Office will review the national security measures included in the CHIPS and Science Act and the additional details and definitions outlined in the Notice of Proposed Rulemaking. The webinar will also cover how the public can submit comments on the Notice of Proposed Rulemaking.

DATES: The CHIPS Program Office at NIST will hold the webinar on Thursday, March 30, 2023 at 5–5:30 p.m. Eastern Time (ET).

ADDRESSES: This webinar will be hosted via NIST's virtual platform and will be conducted as a live webinar. Registration is required; the registration information is posted online at *https://www.nist.gov/chips/chips-america-webinars.*

FOR FURTHER INFORMATION CONTACT: Jessica Stoneman; CHIPS Program Office, National Institute of Standards and Technology (NIST), U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; phone: 202–603–4801; email: *askchips@chips.gov.*

SUPPLEMENTARY INFORMATION: CHIPS for America is part of President Biden's economic plan to invest in America, stimulate private sector investment, create good-paying jobs, make more in the United States, and revitalize communities left behind. CHIPS for America includes the CHIPS Program Office, responsible for manufacturing incentives, and the CHIPS Research and Development Office, responsible for R&D programs, that both sit within the National Institute of Standards and Technology (NIST) at the Department of Commerce. NIST promotes U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life. NIST is uniquely positioned to successfully administer the CHIPS for America program because of the bureau's strong relationships with U.S. industries, its deep understanding of the semiconductor ecosystem, and its reputation as fair and trusted. Visit *https://www.chips.gov* to learn more.

The date and time of this webinar is subject to change. Session time changes will be posted on the CHIPS for America website at *https://www.nist.gov/chips/chips-america-webinars.* Any webinar cancellations will also be posted on the same website.

The presentation recording and transcript of each webinar will be posted on the CHIPS for America website at *https://www.nist.gov/chips/chips-america-webinars.*

The public is invited to participate in these webinars. Prior registration is required. Please see **ADDRESSES** section above for information on how to register.

Authority: 15 U.S.C. 4651 *et seq.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–06297 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0205]

RIN 1625–AA00

Safety Zone; Fireworks Display, Yaquina Bay, Newport, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Yaquina Bay. This action is necessary to provide for the safety of life on these navigable waters near Newport, OR, during a fireworks display on July 4, 2023. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River 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 26, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0205 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 LT Carlie Gilligan, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Columbia River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On February 6, 2023, Western Display Fireworks, LTD notified the Coast Guard that it will be conducting a fireworks display from 10 to 10:30 p.m. on July 4, 2023. The fireworks are to be launched from a site on land in the Port of Newport, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River (COTP) has determined that potential hazards associated with the fireworks would be a safety concern for anyone within a 500-foot radius of the launch site before, during, or after the fireworks display.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 500-foot radius of the fireworks discharge site before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 to 11 p.m. on July 4, 2023. The safety zone would cover all navigable waters within 500 feet of the launch site located at approximately 44°37′31″ N 124°2′5″ W in the port of Newport, Oregon. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 to 10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. 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 safety zone. The safety zone created by this proposed rule is designed to minimize its impact on navigable waters. The safety zone will impact approximately a 500-foot area of Yaquina Bay and is not anticipated to exceed 2 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP. The Coast Guard would issue a Notice to Mariners about the zone, and the rule would allow vessels to seek permission to enter 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 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.

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

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 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 proposed 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. 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 potential 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 safety zone lasting 1.5 hours that would prohibit entry within 400 feet of a fireworks launch site. Normally such actions are 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 preliminary 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. 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 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.

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 comments through the Federal Decision-Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2023–0205 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 proposed rule 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. Also, if you click on the Dockets tab and then the proposed rule, you should see a ''Subscribe'' option for email alerts. The option will notify you when comments are posted, or a final rule is published.

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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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.T13–0205 to read as follows:

§ 165.T13–0205 Safety Zone; Fireworks Display, Yaquina Bay, Newport, OR.

(a) *Location.* The following area is a safety zone: All navigable waters within 500 feet of a fireworks launch site in Newport, OR. The fireworks launch site will be at the approximate point of 44°37′31.62″ N/124°2′5.42″ W.

(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 and a Federal, State, and local officer designated by or assisting the Captain of the Port Columbia River (COTP) in the enforcement of the safety zone.

Participant means all persons and vessels registered with the event sponsor as a participant in the fireworks display.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, all non-participants may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by calling (503) 209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced from 9:30 to 11 p.m. on July 4, 2023. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: March 20, 2023.

M. Scott Jackson,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2023–06179 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0087; FRL–10672–01–R9]

Air Plan Revisions; California; Mojave Desert Air Quality Management District; Oxides of Nitrogen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of revisions to the Mojave Desert Air Quality Management District (MDAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) from industrial, institutional, and commercial boilers, steam generators, and process heaters. We are proposing a limited approval of a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act) because the rule would strengthen the current SIP-approved version of MDAQMD's rule. We are proposing a limited disapproval of this revision because it is inconsistent with the EPA's startup, shutdown, and malfunction (SSM) policy and Credible Evidence Rules. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before April 26, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2023–0087 at *https://www.regulations.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities 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: La Kenya Evans-Hopper, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3245 or by email at *evanshopper.lakenya@epa.gov.*

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

Table of Contents

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Control Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
MDAQMD	1157	Boilers and Process Heaters	01/22/18	05/23/18

On November 23, 2018, the submittal for MDAQMD Rule 1157 was deemed complete by operation of law pursuant to CAA section 110(k)(1)(B) and 40 CFR part 51 Appendix V.

B. Are there other versions of this rule?

We approved an earlier version of Rule 1157 into the SIP on April 20, 1999 (64 FR 19277). The MDAQMD adopted revisions to the SIP-approved version on January 22, 2018, and CARB submitted them to us on May 23, 2018. In its submittal letter, CARB requested that, upon approval of the revised version of Rule 1157, the EPA remove the old version of this rule from the MDAQMD SIP. If we take final action to approve the January 22, 2018 version of Rule 1157, this version will replace the previously approved version of this rule in the SIP.

C. What is the purpose of the submitted rule revision?

Emissions of nitrogen oxides (NO_X) contribute to the production of ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X emissions. Submitted Rule 1157 establishes emission limits of NO_X and carbon monoxide (CO) for boilers, steam

generators, and process heaters (units) with rated heat inputs of greater than or equal to 5 million Btu per hour (MMBtu/hr). In the District's Reasonably Available Control Technology (RACT) SIP for the 2008 ozone National Ambient Air Quality Standards (NAAQS), the District concluded that Rule 1157 did not meet current RACT and acknowledged the need to revise the rule, including the limits for NO_X, in order to implement RACT.[1] Rule 1157 is applicable to new and existing boilers, steam generators, and process heaters within the Mojave Desert portion of the West Mojave Desert ozone nonattainment area.[2] The updated rule lowers the NO_X emission limit for gaseous fuels to 30 ppmv, 0.036 lbs/MMBtu of heat input, and lowers the NO_X emission limit for liquid fuel to 40 ppmv, 0.052 lbs/MMBtu of heat input. The EPA's technical support document (TSD), which is available in the docket, has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), and must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)).

Generally, SIP rules require RACT for each major source of NO_X in ozone nonattainment areas classified as moderate or above (see CAA sections 182(b)(2) and 182(f)). The MDAQMD regulates an ozone nonattainment area classified as Severe-15 for the 1997, 2008, and 2015 8-hour ozone national ambient air quality standards (40 CFR 81.305). Therefore, this rule must implement RACT.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers,'' EPA453/R–94–022, March 1994.

5. ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters,'' CARB, July 18, 1991.

6. ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' 80 FR 33839 (June 12, 2015).

7. ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' EPA, October 9, 2020.

8. ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' EPA, September 30, 2021.

9. MDAQMD Rule 1157, Boilers and Process Heaters, as amended on May 19, 1997, and approved into the SIP on April 20, 1999 (64 FR 19277).

B. Does the rule meet the evaluation criteria?

Rule 1157 strengthens the SIP by establishing more stringent emission limits and by clarifying monitoring, recording, and recordkeeping provisions. The District has addressed all of the deficiencies identified with Rule 1157 in our 2018 conditional approval action.[3] The rule is largely consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. Rule 1157 strengthens the SIP, most substantially by tightening RACT emission limits for gas fired units from 70 ppmv to 30 ppmv and eliminating emission limits and definitions for solid fueled operations entirely, so that applicable units may only fire on gas or liquid fuels. Rule 1157 is at least as stringent as the EPA's 1994 ACT document,[4] CARB's RACT/BARCT guidance[5] and analogous California District rules for this category. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

C. What are the rule deficiencies?

EPA is proposing to determine that the following provisions do not satisfy the requirements of section 110 and part D of title I of the Act and prevent full approval of the SIP revision, for reasons described here and explained in further detail in the TSD.

1. As described in greater detail in our TSD, section (E)(1)(b)(iii) of the Rule provides that ''[n]o compliance determination shall be established based on data obtained from compliance testing, including integrated sampling methods, during a start-up period or shut-down period.'' This is not consistent with the EPA's SSM policy and Credible Evidence Rule because it forbids the use of credible evidence (compliance testing data generated during startup and shutdown periods) in establishing violations of the applicable emissions limit. In addition, the rule revision removed the definitions of ''start-up period'' and ''shut-down period,'' making the scope of this provision unclear.

D. The EPA's Recommendations To Further Improve the Rule

The TSD includes recommendations for the next time the local agency modifies the rule. These recommendations are not the basis of our proposed limited disapproval.

E. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA is proposing a limited approval and limited disapproval of the submitted rule because although it fulfills most of the relevant CAA requirements, it also contains the deficiency listed in Section II.C of this document. We will accept comments from the public on this proposal until April 26, 2023. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient. This approval is limited because the EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3).

If we finalize this disapproval, CAA section 110(c) would require the EPA to promulgate a federal implementation

[1] The EPA conditionally approved the District's RACT SIP for major NO_X sources for the 2008 ozone NAAQS, based on the District's commitment to remedy deficiencies in a set of different NO_X rules, including Rule 1157. 83 FR 5921 (February 12, 2018). Because the EPA has not yet taken final action addressing each of the additional NO_X rules subject to the conditional approval, we intend to address our conditional approval of the major NO_X RACT source category in a separate rulemaking once we have taken action on all of the applicable NO_X rules.

[2] See 40 CFR 81.305.

[3] 83 FR 5921.

[4] EPA, ''NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers,'' EPA453/R–94–022, March 1994.

[5] CARB, ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters,'' July 18, 1991.

plan within 24 months unless we approve a subsequent SIP revision that corrects the deficiencies identified in our evaluation.

In addition, finalizing this limited disapproval would trigger the offset sanction in CAA section 179(b)(2) 18 months after the effective date of a final disapproval, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction will not be imposed if the EPA determines that a subsequent SIP submission corrects the deficiencies identified in our final action before the applicable deadline.

Note that the submitted rule has been adopted by the MDAQMD, and the EPA's final limited disapproval would not prevent the local agency from enforcing it. The limited disapproval also would not prevent any portion of the rule from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: *https://www.epa.gov/sites/production/files/2015-07/documents/procsip.pdf.*

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Mojave Desert Air Quality Management District Rule 1157, Boilers and Process Heaters, amended on January 22, 2018, which regulates NO_X and CO emissions from industrial, institutional, and commercial boilers, steam generators, and process heaters. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

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. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

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 impose additional requirements beyond those imposed by state law.

H. Executive Order 13211: Actions 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)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

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. 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.'' 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.'' Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to review state choices, and approve those choices if they meet the minimum criteria of the Act. Accordingly, this proposed action limitedly approves and limitedly disapproves state law as meeting federal requirements and does not impose

additional requirements beyond those imposed by state law.

The air agency 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. 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

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

Dated: March 18, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023–06143 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 88, No. 58
Monday, March 27, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0018]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Blood and Tissue Collection and Recordkeeping at Slaughtering, Rendering, and Approved Livestock Marketing Establishments and Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations governing approval and maintenance of livestock marketing establishments and facilities, withdrawal or denial of livestock marketing facilities and slaughtering and rendering facilities, and blood and tissue collection and recordkeeping at these facilities.

DATES: We will consider all comments that we receive on or before May 26, 2023.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2023–0018 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0018, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at regulations.gov or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations governing livestock markets and slaughtering and rendering establishments, contact Dr. Michael Carter, Commodity Policy Advisor, Veterinary Services, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3510; *michael.a.carter@usda.gov.* For more information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483; *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Blood and Tissue Collection and Recordkeeping at Slaughtering, Rendering, and Approved Livestock Marketing Establishments and Facilities.

OMB Control Number: 0579–0212.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. APHIS carries out this prevention and eradication mission through the animal disease surveillance and testing carried out by its Veterinary Services (VS) program using procedures and agreements prescribed in 9 CFR part 71.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the United States' ability to compete in international animal and animal product trade. A key element of this approach is the restricted interstate movement of livestock within the United States to mitigate the spread of diseases, allowing APHIS to use livestock movement records to conduct disease surveillance to protect the health of livestock and poultry populations. Epidemiological data from blood and tissue sampling is used to assess the prevalence of disease and to identify its source. Coupled with animal identification, blood and tissue test results are used to trace the movement of an animal that tests positive and identify other animals it may have encountered that may also be diseased.

When a disease is suspected in a given area, sampling is used to determine its presence or absence and to estimate the incidence or prevalence if it is present. The amount of sampling may increase in selected areas when a disease outbreak is suspected, then be reduced in that area when sufficient tests have been done to prove the suspicion was unfounded or, if found, after the disease is eradicated. Sampling is also used to provide data for new or updated risk analyses in support of disease control programs, and, as required, opening international markets for animal products.

The regulations in §§ 71.20 and 71.21 authorize APHIS to conduct disease surveillance and blood and tissue sampling activities using Livestock Facility Agreements and Listing Agreements between APHIS and owners and operators of slaughtering and rendering establishments and livestock marketing facilities. APHIS requires all livestock facilities that enter into Approval of Livestock Facility Agreements (which are voluntary) to agree to inspection, and to record animal identification, make timely notifications, and take other actions that facilitate tracking animal movements and identifying possible disease occurrences. In addition, APHIS requires all slaughtering and rendering establishments that receive livestock or poultry interstate to enter Listing Agreements that permit the Agency to conduct blood and tissue sampling at the facilities. These Agreements are critical during disease outbreaks as they reduce delays in assessments and, subsequently, disease spread. Facilities must also agree to inspection and compliance reviews. Denial or involuntary withdrawal from a facility or listing agreement may be appealed. Additional information collection activities include providing schedules

of sale days, posting of quarantine signs, and maintaining certain records.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) 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;

(2) Evaluate the accuracy of our estimate of the burden of the 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 those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.23 hours per response.

Respondents: State animal health officials, accredited veterinarians, and livestock marketing, slaughtering, and rendering establishment owners and employees.

Estimated annual number of respondents: 1,914.

Estimated annual number of responses per respondent: 8.

Estimated annual number of responses: 15,051.

Estimated total annual burden on respondents: 3,352 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 21st day of March 2023.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2023–06301 Filed 3–24–23; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2022–0034]

National Advisory Committee on Microbiological Criteria for Foods; Solicit for Membership Nominations

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: On February 6, 2023, the USDA published a notice in the **Federal Register** soliciting nominations for membership on the National Advisory Committee on Microbiological Criteria for Foods (NACMCF). In the notice, FSIS stated that the nomination period would close on March 15, 2023. FSIS is extending the nomination period until April 17, 2023, to provide interested persons with additional time to submit their nomination packages.

DATES: On February 6, 2023, USDA published a notice in the **Federal Register** 88 FR 7676; FR Doc. 2023–02395 soliciting nominations for membership on the NACMCF. The notice stated the nomination period would close on March 15, 2023. FSIS is extending the nomination period until April 17, 2023, to provide interested persons with additional time to submit their nomination packages. All nomination packages must be received by 11:59 p.m. est. or postmark by April 17, 2023.

ADDRESSES: Nomination packages should be sent by email to *NACMCF@usda.gov,* or mailed to: The Honorable Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 1131, South Building, Attn: FSIS\OPHS\National Advisory Committee on Microbiological Criteria for Foods (John Jarosh), Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: John Jarosh, Designated Federal Officer, by telephone at 510–671–4397, by email to *NACMCF@usda.gov* or by mail to: John Jarosh, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue SW, Room 1131, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: The NACMCF provides impartial scientific advice and peer reviews to Federal food safety agencies for use in the development of an integrated national food safety systems approach that assures the safety of domestic, imported, and exported foods. USDA is seeking NACMCF nominees with scientific expertise in the fields of microbiology, risk assessment, epidemiology, public health, food science, and other relevant disciplines. To obtain the scientific perspective, expertise, experience and point-of-view of all stakeholders, USDA is seeking nominations for the NACMCF from persons in academia, industry, and State governments, as well as all other interested persons with the required expertise. Members can serve on only one USDA Advisory Committee at a time.

A complete nomination package consists of the three documents listed in the February 6, 2023, notice: (1) Nomination cover letter addressed to the Secretary of Agriculture, (2) résumé or curriculum vitae and (3) USDA Advisory Committee Membership Background Information form AD–755 Available at: *https://www.usda.gov/sites/default/files/documents/ad-755.pdf* (88 FR 7676). The resume or curriculum vitae must be limited to five one-sided pages and should include educational background, expertise, and a list of select publications, if available, that confirm the nominee's expertise for the related work. Any submissions with more than the prescribed five one-sided pages in length will have only the first five pages reviewed. A person may self-nominate, or a nomination can be made on behalf of someone else.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to it through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Mission Areas, agencies, staff offices, 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/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.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Dated: March 20, 2023.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2023–06261 Filed 3–24–23; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Secure Rural Schools Resource Advisory Committees

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Solicitation for members.

SUMMARY: The Forest Service, United States Department of Agriculture (USDA), is seeking nominations for the Secure Rural School Resource Advisory Committees (SRS RACs) pursuant to the Secure Rural Schools and Community Self-Determination Act (the Act) and the Federal Advisory Committee Act (FACA). Additional information on the SRS RACs can be found by visiting the SRS RACs website at: *https://www.fs.usda.gov/working-with-us/secure-rural-schools.*

DATES: Written nominations must be received by June 10, 2023. A completed application packet includes the nominee's name, resume, and completed AD–755 Form—Advisory Committee or Research and Promotion Background Information. All completed application packets must be sent to the addresses under the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** under *Nomination and Application Information* for the address of the SRS RAC Regional Coordinators accepting nominations.

FOR FURTHER INFORMATION CONTACT: Brianna Gallegos, National Partnership Coordinator, National Partnership Office, USDA Forest Service, Yates Building, 1400 Independence Avenue, Mailstop #1158, Washington, DC 20250 or by email to *SM.FS.SRSInbox@usda.gov.* Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of FACA, the Secretary of Agriculture is seeking nominations for the purpose of improving collaborative relationships among people who use and care for National Forests and provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II. The duties of SRS RACs include monitoring projects, advising the Secretary on the progress and results of monitoring efforts, and making recommendations to the Forest Service for any appropriate changes or adjustments to the projects being monitored by the SRS RACs.

SRS RACs Membership

The SRS RACs will be comprised of 15 members approved by the Secretary of Agriculture (or designee) where each will serve a 4-year term. SRS RACs memberships will be balanced in terms of the points of view represented and functions to be performed. The SRS RACs shall include representation from the following interest areas:

(1) Five persons who represent:

(a) Organized Labor or Non-Timber Forest Product Harvester Groups;

(b) Developed Outdoor Recreation, Off-Highway Vehicle Users, or Commercial Recreation Activities;

(c) Energy and Mineral Development, or Commercial or Recreational Fishing Groups;

(d) Commercial Timber Industry; and

(e) Federal Grazing Permit or Other Land Use Permit Holders, or Representative of Non-Industrial Private Forest Land Owners, within the area for which the committee is organized.

(2) Five persons who represent:

(a) Nationally or Regionally Recognized Environmental Organizations;

(b) Regionally or Locally Recognized Environmental Organizations;

(c) Dispersed Recreational Activities;

(d) Archaeology and History; and

(e) Nationally or Regionally Recognized Wild Horse and Burro Interest, Wildlife Hunting Organizations, or Watershed Associations.

(3) Five persons who represent:

(a) State Elected Office holder;

(b) County or Local Elected Office holder;

(c) American Indian Tribes within or adjacent to the area for which the committee is organized;

(d) Area School Officials or Teachers; and

(e) Affected Public-at-Large.

If a vacancy arises, the Designated Federal Officer (DFO) may consider recommending to the Secretary (or designee) to fill the vacancy as soon as it occurs with a candidate from the applicant pool provided an appropriate candidate is available. In accordance with the Act, members of the SRS RAC shall serve without compensation. SRS RAC members and replacements may be allowed travel expenses and per diem for attendance at committee meetings, subject to approval of the DFO responsible for administrative support to the SRS RAC.

Nomination and Application Information

The appointment of members to the SRS RACs will be made by the Secretary of Agriculture (or designee). The public is invited to submit nominations for membership on the SRS RACs, either as a self-nomination or a nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above.

To be considered for membership, nominees must:

1. Be a resident of the State in which the SRS RAC has jurisdiction;

2. Identify what interest group they would represent and how they are qualified to represent that interest group;

3. Provide a cover letter stating why they want to serve on the SRS RAC and what they can contribute;

4. Provide a resume showing their past experience in working successfully as part of a group working on forest management activities; and

5. Complete Form AD–755, Advisory Committee or Research and Promotion Background Information. The Form AD–755 may be obtained from the Regional Coordinators listed below or from the following USDA website: *https://www.usda.gov/sites/default/files/documents/ad-755.pdf*. All nominations will be vetted by USDA.

Nominations and completed applications for SRS RACs should be sent to the appropriate Forest Service Regional Offices listed below:

Northern Regional Office—Region I

Central Montana RAC, Flathead RAC, Gallatin RAC, Idaho Panhandle RAC, Lincoln RAC, Mineral County RAC, Missoula RAC, Missouri River RAC, North Central Idaho RAC, Ravalli RAC, Sanders RAC, Southern Montana RAC, Southwest Montana RAC, Tri-County RAC

Jeffery Miller, Northern Regional Coordinator, Forest Service, 26 Fort Missoula Road, Missoula, Montana 59804, (406) 329–3576.

Rocky Mountain Regional Office—Region II

Black Hills RAC and Greater Rocky Mountain RAC

Jace Ratzlaff, Rocky Mountain Regional Coordinator, Forest Service, 1617 Cole Blvd., Building 17, Lakewood, Colorado 80401, (719) 469–1254.

Southwestern Regional Office—Region III

Coconino County RAC, Eastern Arizona RAC, Northern New Mexico RAC, Southern Arizona RAC, Southern New Mexico RAC, Yavapai RAC

Jonathan Word, Southwestern Regional Coordinator, Forest Service, 333 Broadway SE, Albuquerque, New Mexico 87102, (505) 842–3241.

Intermountain Regional Office—Region IV

Alpine RAC, Bridger-Teton RAC, Central Idaho RAC, Dixie RAC, Eastern Idaho RAC, Fishlake RAC, Lyon-Mineral RAC, Manti-La Sal RAC, Northern Utah, South Central Idaho RAC, Southwest Idaho RAC, Rural Nevada RAC

Don Jaques, Intermountain Regional Coordinator (Idaho/Utah/Nevada), Forest Service, 355 North Vernal Avenue, Vernal, UT 84078, (435) 781–5119.

Pacific Southwest Regional Office—Region V

Butte County RAC, Del Norte County RAC, El Dorado County RAC, Fresno County RAC, Glenn and Colusa Counties RAC, Humboldt County RAC, Kern and Tulare Counties RAC, Lassen County RAC, Mendo-Lake County RAC, Modoc County RAC, Nevada and Placer Counties RAC, Plumas County RAC, Shasta County RAC, Sierra County RAC, Siskiyou County RAC, Tehama RAC, Trinity County RAC, Tuolumne and Mariposa Counties RAC

Paul Wade, Pacific Southwest Regional Coordinator, Forest Service, 1323 Club Drive, Vallejo, California 94592, (707) 562–9010.

Pacific Northwest Regional Office—VI

Columbia County RAC, Colville RAC, Deschutes and Ochoco RAC, Fremont and Winema RAC, Hood and Willamette RAC, Gifford Pinchot RAC, North Mt. Baker-Snoqualmie RAC, Northeast Oregon Forests RAC, Olympic Peninsula RAC, Rogue and Umpqua RAC, Siskiyou (OR) RAC, Siuslaw RAC, Snohomish-South Mt. Baker Snoqualmie RAC, Southeast Washington Forest RAC, Wenatchee-Okanogan RAC

Yewah Lau, Pacific Northwest Regional Office, Forest Service, 295142 Highway 101 South, Quilcene, Washington 98379, (360) 981–9101.

Southern Regional Office—Region VIII

Alabama RAC, Cherokee RAC, Daniel Boone RAC, Davy Crockett RAC, Florida National Forests RAC, Francis Marion-Sumter RAC, Kisatchie RAC, Ozark-Ouachita RAC, Sabine-Angelina RAC, National Forests in Mississippi RAC, Virginia RAC

Sheila Holifield, Southern Regional Coordinator, Forest Service, 1720 Peachtree Road, Northwest, Atlanta, Georgia 30309, (205) 517–9033.

Eastern Regional Office—Region IX

Allegheny RAC, Chippewa National Forest RAC, Eleven Point RAC, Hiawatha RAC, Huron-Manistee RAC, North Wisconsin RAC, Ottawa RAC, Superior RAC, West Virginia RAC

Tiffany Benna, Eastern Regional Coordinator, Forest Service, 71 White Mountain Drive, Campton, New Hampshire 03223, (603) 348–0078.

Alaska Regional Office—Region X

Kenai Peninsula-Anchorage Borough RAC, North Tongass RAC, Prince William Sound RAC, South Tongass RAC

Nicole Olsen, Alaska Regional Coordinator, Forest Service, 709 West 9th Street, Room 561C, Juneau, Alaska 99801–1807, (907) 586–7836.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. USDA is an equal opportunity provider, employer, and lender.

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/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.

Dated: March 21, 2023.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2023–06207 Filed 3–24–23; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Monday, March 27, 2023, at 3:30 p.m. Atlantic Time/Eastern Time. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: March 27, 2023, Monday, at 3:30 p.m. (AT and ET).

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual): https://tinyurl.com/324tnca3; password: USCCR–PR.

Join by Phone (Audio Only): 1–551–285–1373; Meeting ID: 160 704 6140#.

FOR FURTHER INFORMATION CONTACT: Email Victoria Moreno, Designated Federal Officer at *vmoreno@usccr.gov,* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting will be held in Spanish and is available to the public through the registration link above. English interpretation is available to anyone joining via the Zoom link above, but is not available if joining by phone only. If joining only by phone only, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

1. Welcome & Roll Call
2. Continue Committee Discussion on Project Regarding the Civil Rights Impacts of the Insular Cases in Puerto Rico
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given fewer than 15 calendar days prior to the meeting because of the exceptional circumstances of continued preparations for the upcoming scheduled in-person Committee briefing.

Dated: March 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–06225 Filed 3–24–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Guam Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Guam Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom at 9:00 a.m. ChST on Tuesday, April 18, 2023, (7:00 p.m. ET on Monday, April 17, 2023) to continue discussing the Committee's project on housing discrimination.

DATES: The meeting will take place on Tuesday, April 18, 2023, from 9:00 a.m.–10:30 a.m. ChST (Monday, April 17, 2023, from 7:00 p.m.–8:30 p.m. ET).

ADDRESSES:

Registration Link (Audio/Visual): https://tinyurl.com/2s3tjuav.

Telephone (Audio Only): Dial (833) 435–1820 USA Toll Free; Meeting ID: 160 400 6634.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, DFO, at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captions will be provided for individuals who are deaf, deafblind, or hard of hearing. To request additional accommodations, please email *kfajota@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at *lschiller@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Guam Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

I. Welcome & Roll Call
II. Announcements & Updates
III. Approval of Meeting Minutes
IV. Discussion: Project Proposal
V. Next Steps
VI. Public Comment
VII. Adjournment

Dated: March 22, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–06298 Filed 3–24–23; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–56–2022]

Foreign-Trade Zone (FTZ) 219; Authorization of Production Activity; Barco Stamping Co. Inc.; (Stamped Metal Products); Yuma, Arizona

On November 22, 2022, the Greater Yuma Economic Development Corporation, grantee of FTZ 219, submitted a notification of proposed production activity to the FTZ Board on behalf of Barco Stamping Co. Inc., within Subzone 219B, in Yuma, Arizona.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (87 FR 73285, November 29, 2022). On March 22, 2023, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 22, 2023.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2023–06269 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–815]

Certain Preserved Mushrooms From the Netherlands: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain preserved mushrooms (preserved mushrooms) from the Netherlands are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2021, through December 31, 2021.

DATES: Applicable March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla or Benjamin A. Smith, 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) 482–4956 or (202) 482–2181, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2022, Commerce published in the **Federal Register** its *Preliminary Determination* in the LTFV investigation of preserved mushrooms from the Netherlands, in which it also postponed the final determination until March 20, 2023.[1] Commerce invited interested parties to comment on the *Preliminary Determination.*

For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is available 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.*

Scope of the Investigation

The products covered by this investigation are preserved mushrooms from the Netherlands. For a complete description of the scope of this investigation, *see* Appendix I.

Verification

Commerce conducted verification of the information relied upon in making its final determination in this investigation, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Specifically, Commerce conducted on-site verifications of the third-country sales, U.S. sales, and cost of production responses submitted by Prochamp B.V. (Prochamp).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Changes From the Preliminary Determination

We have made certain changes to the margin calculations for Prochamp since the *Preliminary Determination. See* the Issues and Decision Memorandum for a discussion of these changes.

Adverse Facts Available

As discussed in the *Preliminary Determination,* Commerce assigned an estimated weighted-average dumping margin on the basis of facts available with an adverse inference (AFA) to Okechamp B.V. (Okechamp) pursuant to sections 776(a) and (b) of the Act.[3] There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination.* Accordingly, for this final determination, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Okechamp.

In applying AFA, we are assigning the highest rate alleged in the petition as the estimated weighted-average dumping margin to Okechamp. Because this AFA rate is derived from the petition and, consequently, is based upon secondary information, Commerce must corroborate the rate to the extent practicable, pursuant to section 776(c) of the Act.

Because we calculated a zero percent margin for Prochamp, the sole mandatory respondent with a calculated an estimated weighted-average dumping margin in this investigation, and Prochamp's margin calculation does not otherwise provide transaction-specific dumping margins for the purposes of comparison, we are unable to corroborate the highest dumping margin alleged in the petition using information from a mandatory respondent in this investigation. Thus, for purposes of corroboration, we examined evidence supporting the calculations of the highest dumping margin alleged in the petition. As is Commerce's practice, during the LTFV investigation pre-initiation analysis, we examined: (1) the information used as the basis for export price and normal value in the petition; (2) the calculations used to derive the alleged margin; and (3) information from various independent sources

[1] *See Certain Preserved Mushrooms from the Netherlands: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 87 FR 66265 (November 3, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Antidumping Duty Determination in the Less-Than-Fair-Value Investigation of Certain Preserved Mushrooms from the Netherlands,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Preliminary Determination,* 87 FR at 66266, and PDM at 6–10.

provided in the petition.[4] We determine that the highest dumping margin alleged in the petition of 146.59 percent is reliable, where, to the extent appropriate information was available, we reviewed the adequacy and accuracy of the information in the petition as reflected in the Initiation Checklist from the investigation.[5] In addition, we obtained no other information that would cause us to question the validity of the information supporting the relevance or reliability of the petition rate.

Accordingly, because we corroborated the highest dumping margin alleged in the petition to the extent practicable within the meaning of section 776(c) of the Act, we find the 146.59 percent rate to be both reliable and relevant and, accordingly, that it has probative value. Therefore, we assigned this rate to Okechamp as AFA.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually examined shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.

In this investigation, Commerce did not calculate estimated weighted-average dumping margins for mandatory respondents Prochamp or Okechamp that are not zero, *de minimis,* or based entirely on facts otherwise available. Pursuant to section 735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances is to calculate the all-others rate as a simple average of the dumping margin(s) alleged in the petition.[6]

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the POI:

Exporter or producer	Weighted-average dumping margin (percent)
Okechamp B.V	146.59
Prochamp B.V	0.00
All Others	[7] 132.97

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement 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).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of preserved mushrooms from the Netherlands, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after November 3, 2022, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**, with the exception of entries of subject merchandise that were produced and exported by Prochamp. Because the estimated weighted-average dumping margin for Prochamp is zero, entries of shipments of subject merchandise produced and exported by Prochamp will not be subject to suspension of liquidation or cash deposit requirements. In such situations, Commerce applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce is directing CBP to not suspend merchandise produced and exported by Prochamp. However, entries of subject merchandise in any other producer/exporter combination, *e.g.,* merchandise produced by a third party and exported by Prochamp, or produced by Prochamp and exported by a third party, are subject to the cash deposit requirements at the all-others rate.

Furthermore, other than for entries produced and exported by Prochamp, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for estimated antidumping duties for such entries as follows: (1) the cash deposit rate for the respondents listed in the table above will be equal to the company-specific estimated weighted-average dumping margins determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin listed in the table above.

These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of preserved mushrooms from the Netherlands no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be

[4] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews,* 61 FR 57391 (November 6, 1996); *Prestressed Concrete Steel Wire Strand from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Negative Preliminary Determination of Critical Circumstances,* 85 FR 61726 (September 30, 2020), and accompanying PDM at 6–7, unchanged in *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, the Republic of Turkey, and the United Arab Emirates: Final Affirmative Determinations of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances, in Part,* 85 FR 80001 (December 11, 2020).

[5] *See Certain Preserved Mushrooms from France, the Netherlands, Poland, and Spain: Initiation of Less-Than-Fair-Value Investigations,* 87 FR 24941 (April 27, 2022) (*Initiation Notice*) and accompanying Antidumping Duty Investigation Initiation Checklist, ''Certain Preserved Mushrooms from the Netherlands,'' dated April 20, 2022 (Initiation Checklist).

[6] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; *see also Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan,* 73 FR 39673, 39674 (July 10, 2008); and *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014).

[7] *See* ''All Others Rate'' section, *supra; see also Initiation Notice,* 87 FR at 24944, and the Initiation Checklist. The margins alleged in the Petition were 120.88, 131.45, and 146.59 percent.

terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, other than those produced and exported by Prochamp, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order

This notice serves as a final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this investigation are the genus Agaricus. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heat sterilized in containers each holding a net drained weight of not more than 12 ounces (340.2 grams), including but not limited to cans or glass jars, in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces.

Excluded from the scope are ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives. To be prepared or preserved by means of vinegar or acetic acid, the merchandise must be a minimum 0.5 percent by weight acetic acid.

The merchandise subject to this investigation is classifiable under subheadings 2003.10.0127, 2003.10.0131, and 2003.10.0137 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also be classified under HTSUS subheadings 2003.10.0143, 2003.10.0147, and 2003.10.0153. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–06185 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–104]

Alloy and Certain Carbon Steel Threaded Rod From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the sole mandatory respondent subject to the administrative review of alloy and certain carbon steel threaded rod (threaded rod) from the People's Republic of China (China) covering the period of review (POR) April 1, 2021, through March 31, 2022, is not eligible for a separate rate and is, thus, part of the China-wide entity.

DATES: Applicable March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Allison Hollander, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2805.

SUPPLEMENTARY INFORMATION:

Background

On April 21, 2020, Commerce published in the **Federal Register** the preliminary results of the 2021–2022 administrative review [1] of the antidumping duty order on threaded rod from China.[2] We invited interested parties to comment on the *Preliminary Results.* No interested parties submitted comments. Accordingly, Commerce made no changes to the *Preliminary Results.* Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by this *Order* are threaded rod. A full description of the scope of the *Order* is provided in the Preliminary Decision Memorandum.[3]

Final Results of Administrative Review

We received no comments and made no changes to the *Preliminary Results.* We continue to find that the sole mandatory respondent, Ningbo Dongxin High-Strength Nut Co., Ltd. (Ningbo Dongxin), is not eligible for a separate rate and is, thus, part of the China-wide entity. In this administrative review, no party requested a review of the China-wide entity, and Commerce did not self-initiate a review of the China-wide entity. Because no review of the China-wide entity is being conducted, the China-wide entity rate is not subject to change as a result of this review. The

[1] *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Administrative Review, in Part; 2021–2022,* 87 FR 78640 (December 22, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Antidumping Duty Order,* 85 FR 19929 (April 9, 2020) (*Order*).

[3] *Preliminary Results* PDM.

rate previously established for the China-wide entity is 48.91 percent.[4]

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act 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 the final results of this review. We intend to instruct CBP to apply an *ad valorem* assessment rate of 48.91 percent (*i.e.,* the China-wide entity rate), to all entries of subject merchandise during the POR which were exported by Ningbo Dongxin.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise from China 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) for Ningbo Dongxin, that has not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

[4] *See Order.* We adjusted the dumping margin of 59.45 percent to account for subsidy offsets calculated in the companion countervailing duty proceeding.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to 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. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 351.221(b)(5).

Dated: March 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023–06270 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–455–806]

Certain Preserved Mushrooms From Poland: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain preserved mushrooms (preserved mushrooms) from Poland are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2021, through December 31, 2021.

DATES: Applicable March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Eliza DeLong, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5166.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2022, Commerce published in the **Federal Register** its *Preliminary Determination,* in which it also postponed the final determination until March 20, 2023.[1] Commerce invited interested parties to comment on the *Preliminary Determination*.[2]

For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[3] The Issues and Decision Memorandum is a public document and is available 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.*

Scope of the Investigation

The products covered by this investigation are preserved mushrooms from Poland. For a full description of the scope of this investigation, *see* Appendix I.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in December 2022, we conducted verification of the sales information submitted by Okechamp S.A. (Okechamp) for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Okechamp.[4]

[1] *See Certain Preserved Mushrooms from Poland: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 87 FR 66273 (November 3, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *Id.*

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Preserved Mushrooms from Poland,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Memorandum, ''Verification of the Questionnaire Response of Okechamp S.A. in the Less-Than-Fair-Value Investigation of Certain Preserved Mushrooms from Poland,'' dated January 27, 2023.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

We have made certain changes to the margin calculations for Okechamp, Bonduelle Polska-UL.Michala (Bonduelle Michala) and Boduelle Polska SA (Bonduelle Polska) since the *Preliminary Determination. See* the Issues and Decision Memorandum for a discussion of these changes.

Use of Adverse Facts Available

As discussed in the *Preliminary Determination,* Commerce assigned to the mandatory respondents in this investigation, Bonduelle Michala and Bonduelle Polska, estimated weighted-average dumping margins on the basis of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act.[5] There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination.* Accordingly, for this final determination, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Bonduelle Michala and Bonduelle Polska.

Pursuant to section 776(b) of the Act, we examined the dumping margins alleged in the petition, the weighted-average dumping margin calculated in this final determination, and other information of the record of this investigation to determine an appropriate estimated weighted-average dumping margin for Bonduelle Michala and Bonduelle Polska based on AFA. We are assigning the highest transaction-specific dumping margin calculated for Okechamp as the estimated weighted-average dumping margin to Bonduelle Michala and Bonduelle Polska based on AFA. Because we are relying on information obtained in the course of this investigation, we do not need to corroborate this margin pursuant section 776(c) of the Act. For further discussion, *see* the Issues and Decision Memorandum at ''Use of Adverse Facts Available.''

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis,* or determined entirely under section 776 of the Act.

In this case, Commerce calculated an individual estimated weighted-average dumping margin for Okechamp that is not zero, *de minimis,* or determined entirely under section 776 of the Act. Consequently, the rate calculated for Okechamp is also assigned as the rate for all other producers and exporters.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist for the POI:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Okechamp S.A	34.32
Bonduelle Polska-UL.Michala	57.22
Bonduelle Polska SA	57.22
All Others	34.32

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of the date of publication of this notice or, if there is no public announcement, within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of preserved mushrooms from Poland, as described in Appendix I to this notice, which were entered, or withdrawn from warehouse for consumption on or after November 3, 2022, the date of publication of *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of preserved mushrooms from Poland no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order

This notice will serve as a final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is issued and published in accordance with sections

[5] *See Preliminary Determination,* 87 FR at 66273.

735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this investigation are the genus Agaricus. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heat sterilized in containers each holding a net drained weight of not more than 12 ounces (340.2 grams), including but not limited to cans or glass jars, in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces.

Excluded from the scope are ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives. To be prepared or preserved by means of vinegar or acetic acid, the merchandise must be a minimum 0.5 percent by weight acetic acid.

The merchandise subject to this investigation is classifiable under subheadings 2003.10.0127, 2003.10.0131, and 2003.10.0137 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also be classified under HTSUS subheadings 2003.10.0143, 2003.10.0147, and 2003.10.0153. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–06187 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–825]

Certain Preserved Mushrooms From Spain: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain preserved mushrooms (preserved mushrooms) from Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV).

DATES: Applicable March 27, 2023.

FOR FURTHER INFORMATION CONTACT: Samantha Kinney or Katherine Johnson, 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) 482–2285 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2022, Commerce published the *Preliminary Determination* in the **Federal Register**.[1] We invited interested parties to comment on the *Preliminary Determination*. On February 8, 2023, we received comments from Giorgio Foods, Inc. (the petitioner), a domestic producer of preserved mushrooms, and Eurochamp S.A.T. (Eurochamp), a respondent in this investigation.[2] On February 15, 2023, we received rebuttal comments from these parties.[3] For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[4]

Period of Investigation

The period of investigation is January 1, 2021, through December 31, 2021.

Scope of the Investigation

The products covered by this investigation are preserved mushrooms from Spain. For a full description of the scope of this investigation, *see* Appendix I.

Analysis of Comments Received

The issues raised in comments that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in December 2022, we conducted verification of the sales information submitted by Eurochamp for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Eurochamp. As explained in the Issues and Decision Memorandum, Commerce was unable to verify the accuracy of Eurochamp's reporting with respect to its sales data. As a consequence, we find that Eurochamp's reported sales data are unverified and, thus, cannot serve as a reliable basis for calculating an accurate margin for Eurochamp in this investigation. For further discussion, *see* the Issues and Decision Memorandum.

[1] *See Certain Preserved Mushrooms from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 87 FR 66262 (November 3, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Petitioner's Letter, ''Petitioner's Letter in Lieu of a Case Brief,'' dated February 8, 2023; and Eurochamp's Letter, ''Submission of Eurochamp S.A.T.'s Administrative Case Brief,'' dated February 8, 2023.

[3] *See* Petitioner's Letter, ''Petitioner's Rebuttal Brief,'' dated February 15, 2023; and Eurochamp's Letter, ''Submission of Eurochamp S.A.T.'s Administrative Case Brief,'' dated February 15, 2023.

[4] *See* Memorandum, ''Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Preserved Mushrooms from Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made changes to the dumping margins. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Use of Adverse Facts Available

In the *Preliminary Determination,* Commerce relied on facts available with an adverse inference (AFA) in determining a weighted-average dumping margin for Riberebro Integral S.A.U. (Riberebro), under sections 776(a) and (b) of the Act, because Riberebro failed to cooperate by not acting to the best of its ability to comply with Commerce's request for information in this investigation.[5] There is no new information on the record that would cause us to revisit our decision in the *Preliminary Determination.* Accordingly, for this final determination, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Riberebro.

In addition, due to our inability to verify Eurochamp's submitted data, we are unable to use its data to calculate an accurate dumping margin for the company. Therefore, for this final determination we find it appropriate to assign Eurochamp an estimated weighted-average dumping margin based on AFA, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. In applying AFA, we assigned Eurochamp and Riberebro the highest margin identified in the petition, 156.59 percent.[6] For further discussion, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. The estimated weighted-average dumping margins in this final determination were calculated entirely under section 776 of the Act. In cases where no weighted-average dumping margins other than zero, *de minimis,* or those determined entirely under section 776 of the Act have been established for individually examined entities, in accordance with section 735(c)(5)(B) of the Act, Commerce typically calculates a simple average of the margins alleged in the petition and applies the results to all other entities not individually examined.[7] The simple average of the petition margins is 59.59 percent.[8]

Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer or exporter	Estimated weighted-average dumping margin (percent)
Eurochamp S.A.T	156.59
Riberebro Integral S.A.U	156.59
All Others	59.59

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination, in accordance with 19 CFR 351.224(b). However, because Commerce applied AFA to both mandatory respondents in this investigation, there are no calculations to disclose.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of preserved mushrooms from Spain, as described in Appendix I to this notice, entered, or withdrawn from warehouse, for consumption on or after November 3, 2022, the date of publication of *Preliminary Determination* in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of preserved mushrooms from Spain no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Administrative Protective Order

This notice will serve as a final reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return 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.

[5] *See Preliminary Determination,* 87 FR at 66263.

[6] *See* Petitioner's Letter, ''Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain—Petitioner's Second Supplement to Volume V Relating to Request for the Imposition of Antidumping Duties on Imports from Spain,'' dated April 13, 2022 (Spain AD Second Supplement), at AD–ES–SUPP 2–5.

[7] *See, e.g., Certain Preserved Mushrooms from France: Final Affirmative Determination of Sales at Less Than Fair Value,* 87 FR 72963 (November 28, 2022).

[8] *See* Petitioner's Letter, ''Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain—Petitioner's Supplement to Volume V Relating to Request for the Imposition of Antidumping Duties on Imports from Spain,'' dated April 8, 2022, at AD–ES–SUPP–5; *see also* Spain AD Second Supplement at AD–ES–SUPP 2–5.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: March 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this investigation are the genus Agaricus. ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heat sterilized in containers each holding a net drained weight of not more than 12 ounces (340.2 grams), including but not limited to cans or glass jars, in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces.

Excluded from the scope are ''marinated,'' ''acidified,'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives. To be prepared or preserved by means of vinegar or acetic acid, the merchandise must be a minimum 0.5 percent by weight acetic acid.

The merchandise subject to this investigation is classifiable under subheadings 2003.10.0127, 2003.10.0131, and 2003.10.0137 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also be classified under HTSUS subheadings 2003.10.0143, 2003.10.0147, and 2003.10.0153. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2023–06186 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Artificial Intelligence Advisory Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the National Artificial Intelligence Advisory Committee (NAIAC or Committee) will hold an open meeting in-person and via web conference on April 25, 2023, between 10:00 a.m. and 3:00 p.m. Eastern time. The primary purpose of the meeting is to discuss the Committee's effort to develop its year one report that will be presented to the President and National Artificial Intelligence Initiative Office. The final agenda will be posted to the NAIAC website: *ai.gov/naiac/.*

DATES: The meeting will be held on Tuesday, April 25, 2023, between 10 a.m. and 3 p.m. Eastern time.

ADDRESSES: The meeting will be held in-person and via live broadcast from the U.S. Department of Commerce, Herbert C. Hoover Federal Building, located at 1401 Constitution Ave. NW, Washington, DC 20230. For instructions on how to attend and/or participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Alicia Chambers, Committee Liaison Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 1000, Gaithersburg, MD 20899, *alicia.chambers@nist.gov* or 301–975–5333, or Melissa Banner, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 1000, Gaithersburg, MD 20899, *melissa.banner@nist.gov* or 301–975–5245. Please direct any inquiries to *naiac@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NAIAC will meet on Tuesday, April 25, 2023, between 10 a.m. and 3 p.m. Eastern Time. The meeting will be open to the public and will be held in-person and via web conference. Interested members of the public will be able to participate in the meeting from remote locations or in-person. The primary purpose of the meeting is to discuss the Committee's effort to develop its year one report that will be presented to the President and National Artificial Intelligence Initiative Office. The final agenda and meeting time will be posted to the NAIAC website: *ai.gov/naiac/.*

The NAIAC is authorized by Section 5104 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116–283, Div. E), in accordance with the provisions of the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. App. The Committee advises the President and the National Artificial Intelligence Initiative Office on matters related to the National Artificial Intelligence Initiative. Additional information on the NAIAC is available at *ai.gov/naiac/.*

Comments: Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to submit comments in advance of the meeting. Approximately ten minutes will be reserved for public comments, which will be read on a first-come, first-served basis. Please note that all submitted comments will be treated as public documents and will be made available for public inspection. All comments must be submitted via email with the subject line ''April 25, 2023, NAIAC Meeting Comments'' to *naiac@nist.gov* by 5:00 p.m. Eastern Time, Monday, April 24, 2023.

Virtual Admittance Instructions: The meeting will be broadcast live via BlueJeans Events and the log-in instructions to join the meeting will be made available on *ai.gov/naiac/#MEETINGS.*

In-Person Admittance Instructions: Limited space is available on a first-come, first-served basis for anyone who wishes to attend in person. Registration is only required for in-person attendance. Registration details will be posted at *ai.gov/naiac/#MEETINGS.* Registration will close at 5:00 p.m. Eastern Time on Tuesday, April 18.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–06271 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Board of Overseers of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Board of Overseers of the Malcolm Baldrige National Quality Award (Board of Overseers) will meet in open session on Friday, June 9, 2023, from 10:30 a.m. to 2:30 p.m. Eastern time. The Board of Overseers, appointed by the Secretary of Commerce, reports the results of the Malcolm Baldrige National Quality Award (Award) activities to the Director of the National Institute of Standards and Technology (NIST) each year, along with its recommendations for the improvement of the Award process. The purpose of this meeting is to discuss and review information received from the National Institute of Standards and Technology. The agenda will include: Baldrige Program Update, Baldrige Foundation Update, Ethics Review, Alliance for Performance Excellence Update, Communities of Excellence Update, and New Business/Public Comment.

DATES: The meeting will be held on Friday, June 9, 2023 from 10:30 a.m. Eastern Time until 2:30 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be virtual via webinar. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, phone: 301–975–2361, email *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(1), 15 U.S.C. 3711a(d)(2)(B) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Board of Overseers will meet in open session on Friday, June 9, 2023, from 10:30 a.m. to 2:30 p.m. Eastern Time. The Board of Overseers (Board), composed of approximately twelve members preeminent in the field of organizational performance excellence and appointed by the Secretary of Commerce, makes an annual report on the results of Award activities to the Director of the National Institute of Standards and Technology (NIST), along with its recommendations for improvement of the Award process.

The purpose of this meeting is to discuss and review information received from NIST. The agenda will include: Baldrige Program Update, Baldrige Foundation Update, Ethics Review, Alliance for Performance Excellence Update, Communities of Excellence Update, and New Business/Public Comment. The agenda may change to accommodate the Board of Overseers business. The final agenda will be posted on the NIST Baldrige Performance Excellence website at *http://www.nist.gov/baldrige/community/overseers.cfm.* The meeting is open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board's affairs and/or the Panel of Judges' general process are invited to request a place on the agenda. On June 9, 2023, approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige Performance Excellence Program website at *http://www.nist.gov/baldrige/community/overseers.cfm.* Questions from the public will not be considered during this period. Requests must be submitted by email to Robyn Verner at *robyn.verner@nist.gov* and must be received by 4:00 p.m. Eastern Time, June 6, 2023 to be considered. Speakers who wish to expand upon their oral statements, those who had wished to speak, but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements by email to *robyn.verner@nist.gov.*

Admittance instructions: All participants will be attending virtually via webinar and need to pre-register to be admitted. Please contact Ms. Verner by email at *robyn.verner@nist.gov,* provide her with your name, email, and phone number and she will provide you with instructions for admittance.

All requests must be received by 4:00 p.m. Eastern Time, June 6, 2023.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–06268 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC865]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt; permit application for enhancement and monitoring purposes.

SUMMARY: We, NMFS, announce receipt of a permit application (15755–2M) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended, from the California Department of Fish and Wildlife (CDFW). Under permit application 15755–2M, CDFW is requesting to implement, for the next 8 years, hatchery and monitoring activities associated with the Fall Creek Hatchery coho salmon program. This Hatchery and Genetic Management Plan (HGMP) is an update to the 2014 HGMP developed for the coho salmon hatchery program at Iron Gate Hatchery that was submitted by CDFW and PacifiCorp (Permit 15755). Under permit application 15755–2M CDFW proposes to continue to collect Southern Oregon/Northern California Coast (SONCC) coho salmon for hatchery purposes. This notice advises the public that the permit application and associated HGMP are available for review and comment, prior to a determination by NMFS on the issuance of the permit.

DATES: Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on April 26, 2023.

ADDRESSES: Written comments on the application should be submitted to Jeff Abrams, Klamath Branch Fisheries Biologist, NMFS Northern California Office, 1655 Heindon Rd, Arcata, California 95521. Comments may also be submitted via fax (707) 825–4840, or by email to *Jeff.Abrams@noaa.gov* (include the permit number in the subject line of the fax or email). The permit application and attached HGMP may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

FOR FURTHER INFORMATION CONTACT: Jeff Abrams, Arcata, CA (ph.: (707) 825–5186; Fax: (707) 825–4840; email: *Jeff.Abrams@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following ESA-listed species are covered in this notice:

Coho salmon (*Oncorhynchus kisutch*): threatened Southern Oregon/Northern.

California Coast (SONCC) Evolutionarily Significant Unit

Authority

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 part 222). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; (3) are consistent with the purposes and policies of Section 2 of the ESA; (4) whether the permit would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species; and additional issuance criteria as listed at 50 CFR 222.308(c)(5–12). The authority to take listed species is subject to conditions set forth in the permit.

Anyone requesting a hearing on the application included in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of NMFS Assistant Administrator for Fisheries.

Permit Application Received

Permit 15755–2M

The CDFW is applying for ESA Section 10(a)(1)(A) permit 15755–2M the for the Fall Creek Hatchery coho salmon HGMP for a period of 8 years following removal of the mainstem Klamath River dams in 2024. CDFW and PacifiCorp anticipated that the 2014 HGMP would cover hatchery operations until mainstem Klamath River dams of the Klamath Hydroelectric Project (Federal Energy Regulatory Commission Project Nos. 14803–001, 2082–063) were removed. Dam removal is expected to occur in 2024. By that time, the existing Iron Gate Hatchery will cease operations and a new hatchery will be constructed at Fall Creek upstream of the current hatchery facility. To ensure that hatchery operations continue without interruption in the year of dam removal, the Fall Creek Hatchery will be operational in the months prior to dam removal.

The HGMP covers activities related to the artificial production of coho salmon at Fall Creek Hatchery during the transition of the hatchery coho salmon program from Iron Gate Hatchery, and for 8 years after dam removal. NMFS will use the information in this HGMP to evaluate hatchery impacts on salmon listed under the ESA. Hatchery activities would be permitted pursuant to the final HGMP, which is attached to the permit application. Monitoring and in-river research activities, also included in the application, could result in take of SONCC coho salmon. The primary goal of an HGMP is to devise biologically based hatchery management strategies that ensure the conservation and recovery of salmon and steelhead species. Through implementation of this HGMP, and compliance with the ESA section 10(a)(1)(A) permit, the Fall Creek Hatchery coho salmon program will operate to conserve ESA listed SONCC coho salmon.

The Fall Creek Hatchery coho salmon program will culture coho salmon of the Upper Klamath Population Unit. This unit is part of the SONCC Evolutionarily Significant Unit that is listed as Threatened under ESA. The HGMP incorporates principles of hatchery operations developed by the Hatchery Scientific Review Groups of the Columbia River and California. The primary purpose of the Fall Creek Hatchery coho salmon program is to protect the genetic resources of the Upper Klamath Population Unit and reduce extinction risks prior to and eight years after the removal of the four Klamath River dams. The purpose would be achieved by integrating natural origin adults into broodstock and using a genetically based spawning matrix to reduce inbreeding. The natural origin fish required to integrate the Fall Creek Hatchery coho salmon program will be obtained from Bogus Creek, the Iron Gate Hatchery auxiliary fish ladder, Fall Creek (*e.g.,* via seine or dip net), and fish volitionally entering the Fall Creek Hatchery as described in the broodstock collection document and the Terms and Conditions of NMFS' 2021 Biological Opinion for the Surrender and Decommissioning of the Lower Klamath Hydroelectric Project.

The secondary purpose of the Fall Creek Hatchery coho salmon program is to provide adult coho salmon that could disperse to newly accessible habitat (76 miles or about 122.31 km) made available following dam removal. The potential dispersal of adult coho salmon results from Fall Creek Hatchery origin coho salmon straying to other tributaries and by releasing surplus adult coho salmon back to the mainstem Klamath River near Fall Creek.

Public Comments Solicited

NMFS invites the public to comment on the permit application and associated HGMP during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a)(1)(A) of the ESA and its implementing regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 21, 2023.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–06279 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC773]

31st General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission and 16th Scientific Advisory Subcommittee to the General Advisory Committee; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the 31st General Advisory Committee (GAC) to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) and the 16th Scientific Advisory Subcommittee (SAS) to the GAC. This meeting will be held as a combined SAS and GAC meeting on Thursday, June 15th, 2023, via webinar. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The virtual meeting of the SAS and GAC will be held on Thursday, June 15th, 2023, from 9 a.m. to 4 p.m. PDT (or until business is concluded). You

must complete the registration process by June 1, 2023, if you plan to attend the meeting (see **ADDRESSES**).

ADDRESSES: If you plan to attend the meeting, which will be held by webinar, please register at *https://forms.gle/ejQ6t8K5RqGBX6iv7.* Instructions for attending the meeting will be emailed to meeting participants before the meeting occurs. This meeting may be audio recorded for the purposes of generating notes of the meeting. As public comments will be made publicly available, participants and public commenters are urged not to provide personally identifiable information (PII) at this meeting. Participation in the meeting, in person, by web conference, or by telephone constitutes consent to the audio recording.

FOR FURTHER INFORMATION CONTACT: Amanda Munro, NMFS West Coast Region, at *amanda.munro@noaa.gov* or (619) 407–9284.

SUPPLEMENTARY INFORMATION: The timing of U.S. SAS and GAC meetings are adjusted based on the dates of the IATTC Annual Meeting. This year, the IATTC will convene its 14th Meeting of the Scientific Advisory Committee (SAC) in May 2023, and the 101st Annual Meeting of the IATTC will be held on August 7–11, 2023. For 2023, the combined U.S. SAS and GAC Meeting will be held on June 15th, after the IATTC SAC Meeting and before the IATTC Annual Meeting. This timing allows for scientific topics presented at the IATTC SAC Meeting, including stock assessments, to be discussed and used to inform U.S. positions at the combined U.S. SAS and GAC Meeting. This meeting will also include updates from IATTC working groups and is expected to include presentations of draft U.S. proposals to be submitted to the IATTC. An executive session may be called in order to discuss sensitive information, including possible U.S. negotiating positions for the upcoming IATTC Annual Meeting.

In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*) (TCA), the U.S. Department of Commerce, in consultation with the Department of State (the State Department), appoints a GAC to the U.S. Section to the IATTC and a SAS that advises the GAC. The U.S. Section consists of the four U.S. Commissioners and alternate U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other U.S. Government agencies, and stakeholders. The GAC provides recommendations to the U.S. section of the IATTC. The purpose of the SAS is to advise the GAC on scientific matters and provide recommendations to the GAC. Per the TCA, the SAS advises the GAC on matters including the conservation of ecosystems, the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean, and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. NMFS West Coast Region staff provides administrative and technical support services as necessary for the effective functioning of the SAS and GAC.

The meetings of the SAS and GAC are open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the Chairs for the SAS and GAC. For more information and updates on these upcoming meetings, please visit the IATTC's website: *https://www.iattc.org/MeetingsENG.htm.*

SAS and GAC Meeting Topics

Given the virtual nature of these meetings, the agenda will be concise. The SAS and GAC meeting to prepare for the 101st IATTC Annual Meeting is expected to cover a broad spectrum of topics including but not limited to:

(1) Outcomes of the most recent IATTC stock assessments and updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean;

(2) Evaluation of the IATTC Staff's Recommendations to the Commission for 2023;

(3) Potential proposal(s) to the IATTC;

(4) Updates for upcoming Joint IATTC-Western and Central Pacific Fisheries Commission Northern Committee Working Group on Pacific Bluefin Tuna meeting;

(5) Recommendations and evaluations by the SAS and GAC; and

(6) Other issues as they arise.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Amanda Munro (see **FOR FURTHER INFORMATION CONTACT**).

Authority: 16 U.S.C. 951 *et seq.*

Dated: March 21, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–06251 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC869]

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 (Council) is scheduling a public meeting of its Groundfish Committee 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 Thursday, April 13, 2023, at 9 a.m.

ADDRESSES: Webinar registration URL information: *https://attendee.gotowebinar.com/register/4228038253685367648.*

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 Groundfish Committee will meet receive recommendations from the Recreational Advisory Panel and Groundfish Advisory Panel. They will also receive an update on progress to develop metrics and indicators in Amendment 23. The Committee will receive an update on progress to revise the Council's ABC control rule for groundfish stocks and the plan for a facilitated process between the Scientific and Statistical Committee, Groundfish Committee, and Groundfish Plan Development Team as well as receive an update on developing a transition plan for Atlantic cod management from the current two management units to up to five management units, including addressing allocation issues and considering potential new measures to protect Atlantic cod spawning. The Committee will also receive an update on developing alternatives on how to address impacts of large swings in Canadian halibut catch in U.S. halibut management as well as make

recommendations to the Council, as appropriate. They will discuss Gulf of Maine haddock and other items, 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 22, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–06305 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC739]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of modification to expiration date of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) to Anadarko Petroleum Corporation (Anadarko), for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico, has been modified to reflect a new expiration date.

DATES: This Letter of Authorization is effective April 1, 2023 through June 1, 2023.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS issued an LOA to Anadarko on September 27, 2022, for the take of marine mammals incidental to one of the following vertical seismic profile (VSP) survey types: Zero Offset, Two-Dimensional (2D), or Three-Dimensional (3D) in the vicinity of the Horn Mountain field in the Mississippi Canyon area, around block MC–81. Please see the **Federal Register** notice of issuance (87 FR 59783; October 3, 2022) for additional detail regarding the LOA and the survey activity.

Anadarko initially anticipated that the activity would occur at some point between October 1, 2022 and April 1, 2023. Anadarko subsequently informed NMFS that a shift in their drillship schedule is likely to cause the associated VSP survey to occur later than previously expected. Anadarko has requested modification to the effectiveness end date of the LOA (from April 1, 2023, to June 1, 2023) to

account for any potential delays. There are no other changes to Anadarko's planned activity. Since issuance of the LOA, no survey work has occurred.

Authorization

NMFS has changed the effectiveness end date of the LOA from April 1, 2023, to June 1, 2023. Consistent with 50 CFR 217.187, the specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for the regulations. There are no other changes to the LOA as described in the October 1, 2022, **Federal Register** notice of issuance (87 FR 59783): the survey activity, estimated take by incidental harassment; and small numbers analysis and determination remain unchanged from the original LOA and are herein incorporated by reference.

Dated: March 22, 2023.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023–06286 Filed 3–24–23; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before April 26, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0009, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Jonathan Lave, Associate Director, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5983; email: *jlave@cftc.gov,* and refer to OMB Control No. 3038–0009.

SUPPLEMENTARY INFORMATION:

Title: Larger Trader Reports, (OMB Control No. 3038–0009). This is a request for extension of a currently approved information collection.

Abstract: The reporting rules covered by OMB control number 3038–0009 (''the Collection'') are structured to ensure that the Commission receives adequate information to carry out its market and financial surveillance programs. The market surveillance programs analyze market information to detect and prevent market disruptions and enforce speculative position limits. The financial surveillance programs combine market information with financial data to assess the financial risks presented by large customer positions to Commission registrants and clearing organizations.

The reporting rules are implemented by the Commission partly pursuant to the authority of sections 4a, 4c(b), 4g, and 4i of the Commodity Exchange Act. Section 4a of the Act permits the Commission to set, approve exchange set, and enforce speculative position limits. Section 4c(b) of the Act gives the Commission plenary authority to regulate transactions that involve commodity options. Section 4g of the Act imposes reporting and recordkeeping obligations on registered entities and registrants (including futures commission merchants, introducing brokers, floor brokers, or floor traders), and requires each registrant to file such reports as the Commission may require on proprietary and customer positions executed on any board of trade in the United States or elsewhere. Lastly, section 4i of the Act requires the filing of such reports as the Commission may require when positions made or obtained on designated contract markets or derivatives transaction execution facilities equal or exceed Commission set levels.

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.[2] On January 20, 2023, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 88 FR 3720 (''60-Day Notice'').

The Commission received one relevant comment from Mangat Analytics, which recommended that large trader reports should specify by name who are the large traders and commercial hedgers. The Commission has determined to not require reporting entities to provide such information.

[1] 17 CFR 145.9.

[2] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi).

The Commission believes requiring such information in large trader reports would be costly for respondents to implement and receiving such information in periodic reports would not have any practical use for the Commission in conducting effective market surveillance.

Burden Statement: The respondent burden for this collection is estimated to be 0.25 hour per response, on average. These estimates include the time to locate the information related to the exemptions and to file necessary exemption paperwork. There are approximately 72,644 responses annually, thus the estimated total annual burden on respondents is 18,512 hours.

Respondents/Affected Entities: Large Traders, Clearing Members, Contract Markets, and other entities affected by Commission regulations 16.00 and 17.00 as well as part 21.

Estimated Number of Respondents: 350.

Estimated Average Burden Hours per Respondent: 52.9.

Estimated Total Annual Burden Hours: 18,152.

Frequency of Collection: Periodically.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: March 22, 2023.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2023–06247 Filed 3–24–23; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for the B–21 Beddown Main Operating Base 2 (Mob 2)/Main Operating Base 3 (Mob 3) at Dyess Air Force Base, Texas or Whiteman Air Force Base, Missouri

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Department of the Air Force (DAF) is issuing this Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with the beddown of the B–21 Main Operating Base 2 (MOB 2)/Main Operating Base 3 (MOB 3) at Dyess Air Force Base (AFB), Texas or Whiteman AFB, Missouri. The EIS will evaluate the potential impacts of the DAF's beddown proposal associated with infrastructure construction, demolition, renovations, additional personnel, and changes in aircraft operations at Dyess AFB and Whiteman AFB, including associated airspace. The B–21 will eventually replace existing B–1 and B–2 bomber aircraft.

DATES: A public scoping period of 45 days will take place starting from the date of this NOI publication in the **Federal Register**. This scoping period will be conducted in compliance with NEPA and section 106 consultation pursuant to *Code of Federal Regulations* title 36, section 800.2(d). Please provide substantive comments which identify potential alternatives (in accordance with 40 CFR 1502.14(a) and 32 CFR 989.8), information, and analyses relevant to the proposed action. Comments will be accepted at any time during the environmental impact analysis process; however, to ensure DAF has sufficient time to consider public scoping comments during preparation of the Draft EIS, please submit comments within the 45-day scoping period. Scoping comments should be submitted to the website or the address listed below by May 8, 2023. The Draft EIS is anticipated in Fall 2023 and the Final EIS is anticipated in Summer 2024. The Record of Decision would be approved and signed no earlier than 30 days after the Final EIS.

The DAF intends to hold scoping meetings from 5:30 p.m. to 7:30 p.m. CST in the following communities on the following dates:

1. Virtual—Tuesday, April 11, 2023, via Zoom. Visit *www.B21EIS.com* for registration and meeting links. To listen only, dial in by phone at 888–788–0099, Webinar ID: 813 5934 9395, Passcode: 570587
2. Virtual—Thursday, April 13, 2023, via Zoom. Visit *www.B21EIS.com* for registration and meeting links. To listen only, dial in by phone at 888–788–0099, Webinar ID: 813 5934 9395, Passcode: 570587
3. Whiteman AFB—Tuesday, April 18, 2023, at the University of Central Missouri, 108 W. South St., Warrensburg, MO
4. Whiteman AFB—Thursday, April 20, 2023, at the Knob Noster High School, 504 South Washington Ave., Knob Noster, MO
5. Dyess AFB—Tuesday, April 25, 2023, at the Abilene Convention Center, 1100 N 6th St., Abilene, TX
6. Dyess AFB—Thursday, April 27, 2023, at the Tye Community Center, 103 Scott St., Tye, TX

ADDRESSES: Additional information on the B–21 MOB 2/MOB 3 Beddown EIS environmental impact analysis process can be found on the project website at *www.B21EIS.com.* The project website can also be used to submit comments. Comments-by-mail regarding the proposal should be sent to Leidos, ATTN: B–21 EIS, 12304 Morganton Hwy #572, Morganton, GA 30560. Inquiries regarding the proposal should be directed to Dyess AFB Public Affairs, ATTN: B–21 EIS, 7 Lancer Loop, Suite 136, Dyess AFB, TX 79607; (325) 696–4820; *7bwpa@us.af.mil;* or Whiteman AFB Public Affairs, ATTN: B–21 EIS, 509 Spirit Blvd., Bldg. 509, Suite 116, Whiteman AFB, MO 65305; (660) 687–5727; *509bw.public.affairs@us.af.mil.* For printed material requests, the standard U.S. Postal Service shipping timeline will apply.

SUPPLEMENTARY INFORMATION: The beddown of the B–21 will take place through a series of beddowns at three Main Operating Bases (MOBs), referred to as MOB 1, MOB 2, and MOB 3. The candidate MOB locations were determined through the DAF's Strategic Basing Process (Air Force Instruction [AFI] 10–503, Strategic Basing), which identified Dyess AFB in Texas, Ellsworth AFB in South Dakota, and Whiteman AFB in Missouri as potential installations to beddown the B–21 Raider. The B–21 will operate under the direction of the Air Force Global Strike Command.

The purpose of the Proposed Action is to implement the goals of the National Defense Strategy by modernizing the United States bomber fleet capabilities. The B–21 Raider is being developed to carry conventional payloads and to support the nuclear triad by providing a visible and flexible nuclear deterrent capability that will assure allies and partners through the United States' commitment to international treaties. MOB 2 will support training of crewmembers and personnel in the operation and maintenance of the B–21 aircraft in an appropriate geographic location that can provide sufficient airfield, facilities, infrastructure, and airspace to support the B–21 training and operations.

In 2021, the DAF completed the B–21 MOB 1 Beddown at Dyess, AFB Texas or Ellsworth AFB, South Dakota EIS (hereinafter referred to as the ''MOB 1 EIS''). On June 3, 2021, the DAF signed a Record of Decision (ROD) for the MOB 1 EIS and selected Ellsworth AFB as the MOB 1 location. Because the DAF chose Ellsworth AFB for MOB 1, the EIS for MOB 2/MOB 3 will evaluate potential environmental consequences associated with the remaining two alternative bases: Dyess AFB or Whiteman AFB.

The proposed beddown would include B–21 Operations Squadrons, Weapons Instructor Course (WIC), and Operational Test and Evaluation (OT&E) Squadron, as well as a Weapons Generation Facility (WGF). Potential impacts of these four components (*i.e.,* Operations Squadrons, WIC, OT&E, and WGF) will be analyzed for both alternative locations, Dyess AFB and Whiteman AFB.

The EIS will analyze Dyess AFB and Whiteman AFB as basing alternatives for the Proposed Action, as well as a No Action Alternative. The basing alternatives were developed to minimize mission impact, maximize facility reuse, minimize cost, and reduce overhead, as well as leverage the strengths of each base to optimize the B–21 beddown strategy. At Dyess AFB, proposed activities include an estimated 4.2 million square feet (SF) of construction, 600,000 SF of renovation, and 300,000 SF of demolition. Proposed airspace for B–21 operations out of Dyess AFB include special use airspace (SUA) units over areas in Texas and New Mexico. At Whiteman AFB, proposed activities include an estimated 600,000 SF of construction, 1.7 million SF of renovation, and 85,000 SF of demolition. Proposed airspace for B–21 operations out of Whiteman AFB include SUA units over areas in Missouri and Kansas. The potential impacts of the alternatives and the No Action Alternative that the EIS may examine include impacts to land use, airspace, safety, noise, hazardous materials and solid waste, physical resources (including earth and water resources), air quality, transportation, cultural resources, biological resources, socioeconomics, and environmental justice.

The DAF is preparing this EIS in accordance with the National Environmental Policy Act (NEPA) of 1969; 40 Code of Federal Regulations (CFR), Parts 1500 through 1508 (85 FR 43359, July 16, 2020, as amended by 87 FR 23453, April 20, 2022), the Council on Environmental Quality (CEQ) regulations implementing NEPA; and the DAF's Environmental Impact Analysis Process (EIAP) as codified in 32 CFR part 989. Since the B–21 basing action is a series of beddowns, once a base is selected for MOB 2, the remaining base would subsequently become the MOB 3 beddown location.

DAF anticipates potential noise impacts to be similar to, or less than, those currently experienced at Dyess AFB and Whiteman AFB, including associated airspace.

Potential permits that may be required include, but are not limited to, section 404 of the Clean Water Act, General Construction, Floodplain Development, and National Pollutant Discharge Elimination System. Additionally, the DAF will coordinate with U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act, as well as SHPO and federally recognized tribes regarding section 106 consultation under the National Historic Preservation Act and will utilize the scoping process to partially fulfill consultation requirements.

Scoping and Agency Coordination: The scoping process will be used to involve the public early in the planning and development of the EIS and help identify issues to be addressed in the environmental analysis. To effectively define the full range of issues and concerns to be evaluated in the EIS, the DAF is soliciting scoping comments from interested local, state, and federal agencies (including, but not limited to U.S. Army Corps of Engineers, State Historic Preservation Offices (SHPO), and U.S. Fish and Wildlife Service) and interested members of the public.

The proposed action at Dyess AFB and Whiteman AFB is subject to the Clean Water Act, sections 401, 404 and 404(b)(1) guidelines and have the potential to be located in a floodplain and/or wetland. Consistent with the requirements and objectives of Executive Order (E.O.) 11990, ''Protection of Wetlands'', and E.O. 11988, ''Floodplain Management'', as amended by E.O. 13690, ''Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,'' state and federal regulatory agencies with special expertise in wetlands and floodplains will be contacted to request comment. Consistent with E.O. 11988, E.O. 13690, and E.O. 11990, this NOI initiates early public review of the proposed actions and alternatives, which have the potential to be located in a floodplain and/or wetland.

The DAF will hold scoping meetings to inform the public and solicit comments and concerns about the proposal. Scheduled dates, and times for each meeting, as well as registration information for virtual meetings, will be available on the project website (*www.B21EIS.com*) and published in the local media a minimum of fifteen (15) days prior to each meeting.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2023–06175 Filed 3–24–23; 8:45 am]

BILLING CODE 5001–10–P

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: Thursday, March 30, 2023— Open to the public from 12:30 p.m. to 1:30 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 (DFO), 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 30, 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 of the United States Code (U.S.C.) (formerly the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., app.)), 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-eighth public meeting held by the DAC–IPAD. At this meeting the Committee will discuss, deliberate, and vote on two recommendations from DAC–IPAD Special Projects Subcommittee.

Agenda: 12:30 p.m.-12:35 p.m.—Opening Remarks. 12:35 p.m.-1:30 p.m.—Discussion, Deliberations, and Voting on Special Projects Subcommittee Recommendations. 1:30 p.m.—Public Meeting Adjourns.

Meeting Accessibility: Pursuant to 41 CFR 102–3.140 and section 1009(a)(1) of title 5 U.S.C., 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.

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, Wednesday, March 29, 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 Wednesday, March 29, 2023, then it may not be provided to, or considered by, the Committee during the March 30, 2023 meeting. The DFO 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 22, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023–06281 Filed 3–24–23; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Fusion Prototypic Neutron Source (FPNS)

AGENCY: Office of Science, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: The Office of Science in the Department of Energy (DOE) invites interested parties to provide input on potential technological approaches to meet the needs of the Fusion Energy Sciences (FES) program for a Fusion Prototypic Neutron Source (FPNS) and on potential ways to accelerate the construction and delivery of such a facility, including partnerships with the private sector.

DATES: Responses to the RFI must be received by May 11, 2023.

ADDRESSES: DOE is using the *www.regulations.gov* system for the submission and posting of public comments in this proceeding. All comments in response to this RFI are therefore to be submitted electronically through *www.regulations.gov,* via the web form accessed by following the ''Submit a Formal Comment'' link.

FOR FURTHER INFORMATION CONTACT: Questions may be submitted to *fpns@science.doe.gov* or to Daniel Clark at (240) 780–6529.

SUPPLEMENTARY INFORMATION:

Background

The scientific and engineering demonstration of fusion energy will require mastering materials science and performance issues, particularly those associated with materials degradation due to bombardment by the energetic (14.1 MeV) deuterium-tritium (D–T) fusion neutrons. This performance degradation provides the basis for and is one of the single largest inherent limiting factors for the economic, safety, and environmental attractiveness of fusion energy. As such, the FES program places a high priority on gaining an improved understanding of the science of materials degradation due to fusion neutron bombardment, particularly as it pertains to enabling the development of next-generation, high-performance materials for future fusion devices.

Managing this fusion neutron-induced property degradation is one of the most significant scientific ''grand challenges'' facing fusion energy development. Although considerable progress has been made exploring the resistance of fusion materials to neutron-based displacement damage with the use of tools available today, such as fission test reactors, ion beams, and computer simulation, the current knowledge base for bulk mechanical and physical property degradation in a realistic fusion environment with simultaneous transmutation effects is limited. The requirement to understand 14.1 MeV neutron-induced material degradation underscores the critical need for a Fusion Prototypic Neutron Source (FPNS), which is aimed at enabling investigation of the effects of fusion-relevant irradiation on both microstructural evolution and bulk material properties degradation.

An FPNS will address the fundamental question of whether materials retain adequate properties for damage levels greater than 20–50 displacements per atom (dpa) in a fusion neutron environment, and lifetime limits from an engineering science perspective at higher levels of irradiation. This will enable the generation of engineering data that is required to design and deploy commercial fusion devices. These roles could be addressed in either the same or complementary irradiation facilities.

The 2020 Long-Range Plan (LRP) [1] ''Powering the Future: Fusion & Plasmas'' developed by the Fusion Energy Sciences Advisory Committee (FESAC), included strong support for an FPNS, which was viewed as not only filling a key gap in the science mission of FES but as an opportunity to provide world leadership by enabling the fundamental explorations of fusion nuclear material science. Among the key recommendations of the LRP was to ''Immediately establish the mission need for an FPNS facility to support development of new materials suitable for use in the fusion nuclear environment and pursue design and construction as soon as possible.''

In addition, the 2021 National Academies of Sciences, Engineering, and Medicine (NASEM) report, Bringing Fusion to the U.S. Grid,[2] emphasized the need for materials research and a neutron irradiation capability to enable a Fusion Pilot Plant (FPP), including facilities to provide a limited-volume prototypic neutron source for testing of

[1] *https://science.osti.gov/-/media/fes/fesac/pdf/2020/202012/FESAC_Report_2020_Powering_the_Future.pdf.*

[2] *https://nap.nationalacademies.org/catalog/25991/bringing-fusion-to-the-us-grid.*

advanced structural and functional materials and to assess neutron-degradation limits of Reduced Activation Ferritic Martensitic (RAFM) alloys beyond 5 MW-year m^{-2}.

In 2022, the Electric Power Research Institute (EPRI) sponsored an FPNS workshop [3] at which a strong consensus was reached in support of an FPNS delivered in 2028 or earlier, that would meet the requirements provided in Table 1, and that FPNS be designed with sufficient capability for future upgrade(s) to deliver increased performance capability by 2032, or earlier, also as shown in Table 1. There remained a strong consensus that the FPNS neutron spectrum must introduce appropriate levels of gaseous and solid transmutant impurities into the tested materials, consistent with the fusion neutron environment.

TABLE 1—FPNS PERFORMANCE REQUIREMENTS DESIRED BY 2028 OR EARLIER, AND 2032 OR EARLIER

[As indicated in columns 2 and 3, respectively]

Parameter	Capability requirement by 2028 or earlier	Capability requirement by 2032 or earlier
Damage rate	5 to 11 dpa/calendar year (Fe equivalent)	15 dpa/calendar year (Fe equivalent).
Spectrum	Gaseous and solid transmutant generation rates consistent with 14 MeV fusion neutron.	Gaseous and solid transmutant generation rates consistent with 14 MeV fusion neutron.
Sample volume in high flux zone.	≥50 cm^3	≥300 cm^3.
Temperature range	~300 to 1200 °C	~300 to 1200 °C.
Temperature control	3 independently monitored and controlled regions	4 independently monitored and controlled regions.
Flux gradient	≤20%/cm in the plane of the sample	≤20%/cm in the plane of the sample.

To meet the mission of the Bold Decadal Vision for Commercial Fusion Energy,[4] the design and demonstration of an FPP must occur simultaneously with the design and construction of the FPNS. Thus, the results from an FPNS may not directly impact the design and construction of the first FPP but will be critical to later iterations of FPP and eventual licensing of commercial fusion power plants.

Questions for Input

SC is issuing this Request for Information on potential technological approaches to meet the needs listed in Table 1, and on potential ways to accelerate the construction and delivery of an FPNS including public-private partnerships. Of special interest are approaches leading to a facility under a total capital cost of $500M, even if meeting this objective would require upfront R&D. Responses should include discussions of the following topics (limit all responses to five pages):

- Technological approach to meeting the performance requirements in Table 1 (provide the parameters listed in Table 1 that would be achieved based on projections of your proposed approach);
- Technical maturity and risks of the concept;
- Research and development required (with rough cost/schedule and go/no-go milestones) to increase the technical readiness level and retire risks such that a final design can be completed;
- Estimated capital and operating costs;
- Potential for performing accelerated irradiation studies;
- Similarity or deviation of neutron irradiation spectrum relative to prototypic fusion device conditions (be quantitative);
- Temperature and irradiation flux stability/control;
- Ability to perform multiple-effect tests (*e.g.,* irradiation in the presence of a flowing coolant or in the presence of complex applied stress fields); and
- Potential commercial partners, markets, and opportunities for public-private partnerships in funding and constructing FPNS.

Signing Authority

This document of the Department of Energy was signed on March 20, 2023, by Asmeret Asefaw Berhe, Director, Office of Science, pursuant to delegated authority from the Secretary of Energy. The 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 21, 2023.

Treena V. Garrett,

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

[FR Doc. 2023–06176 Filed 3–24–23; 8:45 am]

BILLING CODE 6450–01–P

[3] *https://www.epri.com/research/products/000000003002023917.*

[4] *https://www.whitehouse.gov/ostp/news-updates/2022/03/15/fact-sheet-developing-a-bold-vision-for-commercial-fusion-energy/.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4108–019]

City of St. Cloud; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 4108–019.

c. *Date Filed:* December 15, 2022.

d. *Applicant:* City of St. Cloud.

e. *Name of Project:* St. Cloud Hydroelectric Project (St. Cloud Project or project).

f. *Location:* The project is located on the Mississippi River approximately 75 miles northwest of St. Paul, Minnesota in the City of St. Cloud, Stearns and Sherburne Counties, Minnesota. The project does not occupy any federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Tracy Hodel, City of St. Cloud—Public Services Director, 1201 7th Street South, St. Cloud, MN 56301; Telephone: (320) 255–7226 or *tracy.hodel@cistcloud.mn.us.*

i. *FERC Contact:* Nicholas Ettema at (312) 596–4447, or *nicholas.ettema@ferc.gov.*

j. The application is not ready for environmental analysis at this time.

k. *Project Description:* The project consists of: (1) an approximately 3.5-mile-long, 294-surface-acre reservoir with a storage capacity of 2,254 acre-feet at a normal pool elevation of 981.0 feet National Geodetic Vertical Datum of 1929; (2) a 420-foot-long earthen embankment that abuts the east side of the dam; (3) a 550-foot-long, 19.5-foot-high concrete gravity dam and main spillway topped with inflatable crest gates; (4) a 50-foot-wide spillway containing two 20-foot-wide Tainter gates; (5) a 70-foot-wide, 122-foot-long reinforced concrete powerhouse containing two turbine-generator units with a total installed generating capacity of 8.64 megawatts and with an average annual generation of 51,500 megawatt-hours; (6) a 200-foot-long earthen embankment that abuts the west side of the dam; (7) an underground 180-foot-long, 5-kilovolt (kV) transmission line connecting the powerhouse to a step-up transformer; (8) a 5/34.5-kV step-up transformer; (9) an underground 900-foot-long, 34.5-kV transmission line connecting the step-up transformer to a non-project substation; and (10) appurtenant facilities. Average annual generation at the St. Cloud Project was 51,500 MW-hours from 2014 through 2021. City of St. Cloud is not proposing any new project facilities or changes to the operation of the project.

l. A copy of the application can 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 (P–4108). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY).

m. 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, contact FERC Online Support.

n. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary)	April 2023.
Request Additional Information (if necessary)	May 2023.
Notice of Acceptance/Notice of Ready for Environmental Analysis	October 2023.
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	December 2023.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: March 15, 2023.

Kimberly D. Bose,

Secretary.

[FR Doc. 2023–06184 Filed 3–24–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2023–0098; FRL–10582–01–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings for January 2023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from January 1, 2023 to January 31, 2023.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0098, is available online at *https://www.regulations.gov* or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: *edelstein.rebecca@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the reporting period.

C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make one of several specific findings pertaining to whether

the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

The following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as CBI).

- J–23–0001, *Saccharomyces cerevisiae,* modified to express glucoamylase activity (Generic Name).

To access EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C), look up the specific case number at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 21, 2023.

Madison Le,

Director, New Chemicals Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2023–06243 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2023–0070; FRL–10841–02–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients February 2023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before April 26, 2023.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2023–0070, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566–1400, email address: *BPPDFRNotices@epa.gov;* or Dan Rosenblatt, Registration Division (RD) (7505T), main telephone number: (202) 566–2875, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision

by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*https://www.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

Notice of Receipt—New Active Ingredients

File Symbol: 7969–UOA. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* Vulcarus Herbicide. *Active ingredient:* Herbicide—Trifludimoxazin at 41.53%. *Proposed uses:* Citrus fruit crop group 10–10; pome fruit crop group 11–10; tree nut crop-group 14–12. *Contact:* RD.

File Symbol: 7969–UOE. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* TIREXOR Herbicide. *Active ingredient:* Herbicide—Trifludimoxazin at 41.53%. *Proposed uses:* Barley; citrus fruit crop group 10–10; corn (field corn, popcorn, sweet corn); legume vegetables included in crop group 6 & 7; chickpea (garbanzo bean), edible beans, edible peas, field peas, lentils, soybean, and vegetable soybean (edamame); millet; oat; peanut; pome fruit crop group 11–10; rye; sorghum; tree nut crop-group 14–12; triticale; wheat. *Contact:* RD.

File Symbol: 7969–UOG. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* Antorix Herbicide. *Active ingredient:* Herbicide—Trifludimoxazin at 10.76% and Saflufenacil at 21.51%. *Proposed uses:* Citrus fruit crops: Calamondin; citrus citron; clementine; citrus hybrids; grapefruit; kumquat; lemon; lime; mandarin (satsuma); orange (sweet and sour); pummelo; tangelo; tangerine; pome fruit crops: Apple; crabapple; loquat; mayhaw; pear; pear, oriental; quince; tree nut crops: Almond; beechnut; Brazil nut; butternut; cashew; chestnut; chinquapin; filbert (hazelnut); hickory nut; macadamia nut; pecan; pistachio; walnut. *Contact:* RD.

File Symbol: 7969–UOL. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* Voraxor Herbicide. *Active ingredient:* Herbicide—Trifludimoxazin at 10.76% and Saflufenacil at 21.51%. *Proposed uses:* Barley; corn (field corn, popcorn, seed corn, sweet corn); legume vegetables: Chickpea (garbanzo bean); field peas; soybean; sorghum; wheat. *Contact:* RD.

File Symbol: 7969–UOR. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* TIREXOR Herbicide Technical. *Active ingredient:* Herbicide—Trifludimoxazin at 99.2%. *Proposed uses:* Cereal grains crop group 15 (except rice); citrus fruit crop group 10–10; foliage of legume vegetables crop group 7; forage, fodder, and straw of cereal grains crop group 16 (except rice); legume vegetables (edible, succulent and dried) crop group 6; peanut; pome fruit crop group 11–10; tree nut crop group 14–12. *Contact:* RD.

File Symbol: 7969–UOU. *Docket ID number:* EPA–HQ–OPP–2022–0649. *Applicant:* BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709. *Product name:* Rexovor Herbicide. *Active ingredient:* Herbicide—Trifludimoxazin at 41.53%. *Proposed uses:* Barley; corn (field corn, popcorn, sweet corn); legume vegetables included in crop group 6 & 7: Chickpea (garbanzo bean); edible beans; edible peas; field peas; lentils; soybean; and vegetable soybean (edamame); millet; oat; peanut; rye; sorghum; triticale; wheat. *Contact:* RD.

File Symbols: 19713–TGR and 19713–TGN. *Docket ID number:* EPA–HQ–OPP–2023–0082. *Applicant:* Drexel Chemical Company; P.O. Box 13327, Memphis, TN 38113–0327. *Product names:* Sodium Cyanate Technical and Defol Plus. *Active ingredient:* Herbicide—Sodium Cyanate at 0.99% and 90.35%. *Proposed use:* Plant Growth Regulator. *Contact:* BPPD.

File Symbol: 70506–AEA. *Docket ID number:* EPA–HQ–OPP–2023–0145. *Applicant:* UPL NA Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Product name:* 414–03. *Active ingredient:* Insecticide and nematicide—*Bacillus licheniformis* strain 414–01 at 33%. *Proposed use:* For use as a nematicide seed treatment. *Contact:* BPPD.

File Symbol: 70506–AEL. *Docket ID number:* EPA–HQ–OPP–2023–0145. *Applicant:* UPL NA Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Product name:* 414–02. *Active ingredient:* Insecticide and nematicide—*Bacillus licheniformis* strain 414–01 at 0.88%. *Proposed use:* For use as a nematicide seed treatment and soil application for food crops. *Contact:* BPPD.

File Symbol: 70506–AET. *Docket ID number:* EPA–HQ–OPP–2023–0145. *Applicant:* UPL NA Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Product name:* *Bacillus licheniformis* strain 414–01 Technical. *Active ingredient:* Insecticide and nematicide—*Bacillus licheniformis* strain 414–01 at 100%. *Proposed use:* For manufacturing into pesticide products. *Contact:* BPPD.

File Symbol: 70506–AEU. *Docket ID number:* EPA–HQ–OPP–2023–0145. *Applicant:* UPL NA Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. *Product name:* *Bacillus licheniformis* 414–01 MUP. *Active ingredient:* Insecticide and nematicide—*Bacillus licheniformis* strain 414–01 at 33%. *Proposed use:* For manufacturing into pesticide products. *Contact:* BPPD.

File Symbol: 95783–E. *Docket ID number:* EPA–HQ–OPP–2023–0007. *Applicant:* Danisco US Inc., 925 Page Mill Road, Palo Alto, CA 94304. *Product name:* BC18–WG. *Active ingredients:* Fungicide, bactericide, and nematicide—Gluconobacter cerinus strain BC18B at 10% and Hanseniaspora uvarum strain BC18Y at 10%. *Proposed use:* For seed, soil, and foliar treatment to suppress foliar and soilborne fungal, bacterial, and nematode pests on vegetables, ground nuts, cereal grains, ornamentals, grass and non-grass forages, herbs and spices, oilseed, coffee, hemp, tobacco, hops, sugarcane, and turf. *Contact:* BPPD.

File Symbol: 95783–R. *Docket ID number:* EPA–HQ–OPP–2023–0007. *Applicant:* Danisco US Inc., 925 Page Mill Road, Palo Alto, CA 94304. *Product name:* BC18–C. *Active ingredients:* Fungicide, bactericide, and nematicide—Gluconobacter cerinus strain BC18B at 3% and Hanseniaspora uvarum strain BC18Y at 3%. *Proposed use:* For manufacturing pesticide products. *Contact:* BPPD.

File Symbol: 98588–R. *Docket ID number:* EPA–HQ–OPP–2023–0148. *Applicant:* BioConsortia, Inc., 279 Cousteau Place, Davis, CA 95618. *Product name:* Crimson. *Active ingredient:* Fungicide and bactericide—*Bacillus* velenzensis strain 11604 at 1.00%. *Proposed use:* For foliar and soil application to suppress foliar and soil phytodiseases on feed and food crops including on vegetables, cereal grains, grass and non-grass forages, citrus fruits, pome fruits, oilseed, and peanut. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 21, 2023.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2023–06244 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0104; FRL–10577–01–OCSPP]

Safer Choice Partner of the Year Awards for 2023; Call for Submissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Safer Choice program in the Environmental Protection Agency (EPA) is accepting submissions for its 2023 Safer Choice Partner of the Year Awards. EPA developed the Partner of the Year Awards to recognize the leadership contributions of Safer Choice partners and stakeholders who have shown achievement in the design, manufacture, selection, and use of products with safer chemicals, that further outstanding or innovative source reduction. Similar achievement in the design, manufacture, selection, and use of Design for the Environment (DfE) -certified products will also make an organization eligible for the Partner of the Year Awards. EPA especially encourages submission of award applications that show how the applicant's work in the design, manufacture, selection, and use of those products promotes environmental justice, bolsters resilience to the impacts of climate change, results in cleaner air or water, improves drinking water quality, or advances innovation in packaging.

DATES: Submissions are due on or before May 31, 2023.

ADDRESSES: Please submit materials by email to *kirk.aerin@epa.gov* and copy *saferchoice_support@abtassoc.com.* The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0104, is available at *https://www.regulations.gov.* Candidates interested in learning more about the Partner of the Year Awards should refer to the Safer Choice website at *https://www.epa.gov/saferchoice/safer-choice-partner-year-awards.*

FOR FURTHER INFORMATION CONTACT: Aerin Kirk, Data Gathering and Analysis Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail Code 7406M, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9814; email address: *kirk.aerin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be affected by this action if you are a Safer Choice program partner or stakeholder. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Affected entities may include:

- Other Basic Inorganic Chemical Manufacturing (NAICS code 325180);
- All Other Basic Organic Chemical Manufacturing (Primary) (NAICS code 325199);
- Pesticide and Other Agricultural Chemical Manufacturing (NAICS code 325320);
- Paint and Coating Manufacturing (NAICS code 325510);
- Adhesive Manufacturing (NAICS code 325520);
- Soap and Other Detergent Manufacturing (NAICS code 325611);
- Polish and Other Sanitation Good Manufacturing (NAICS code 325612);
- Surface Active Agent Manufacturing (Primary) (NAICS code 325613);
- Toilet Preparation Manufacturing (NAICS code 325620);
- Photographic Film, Paper, Plate, and Chemical Manufacturing (NAICS code 325992);
- All Other Miscellaneous Chemical Product and Preparation Manufacturing (NAICS code 325998);
- Service Establishment Equipment and Supplies Merchant Wholesalers (Primary) (NAICS code 423850);
- Other Chemical and Allied Products Merchant Wholesalers (Primary) (NAICS code 424690);
- Supermarkets and Other Grocery (except Convenience) Stores (Primary) (NAICS code 445110);
- All Other Specialty Food Stores (NAICS code 445299);
- Pharmacies and Drug Stores (NAICS code 446110);
- Office Supplies and Stationery Stores (NAICS code 453210);
- All Other Miscellaneous Store Retailers (except Tobacco Stores) (Primary) (NAICS code 453998);
- Electronic Shopping and Mail-Order Houses (NAICS code 454110);
- Research and Development in Biotechnology (except Nanobiotechnology) (Primary) (NAICS code 541714);
- Facilities Support Services (NAICS code 561210). Janitorial Services (NAICS code 561720);
- Carpet and Upholstery Cleaning Services (NAICS code 561740);
- Elementary and Secondary Schools (NAICS code 611110);
- Colleges, Universities, and Professional Schools (NAICS code 611310);
- Promoters of Performing Arts, Sports, and Similar Events with Facilities (NAICS code 711310);
- Drycleaning and Laundry Services (NAICS code 8123);
- Civic and Social Organizations (Primary) (NAICS code 813410);
- Business Associations (Primary) (NAICS code 813910);
- Other General Government Support (NAICS code 921190); and
- Administration of Air and Water Resource and Solid Waste Management Programs (Primary) (NAICS code 924110).

B. What is the Safer Choice program?

As part of its environmental mission, the Safer Choice program partners with businesses to help consumers and commercial buyers identify products with safer chemical ingredients, without sacrificing quality or performance. The Safer Choice program certifies products containing ingredients that have met the program's specific and rigorous human health and environmental toxicological criteria. The Safer Choice program allows companies to use its label on certified products that contain safer ingredients and perform, as determined by expert evaluation. The Safer Choice program certification represents a high level of achievement in formulating products that are safer for people and the environment. For more information on the Safer Choice program, please see: *https://www.epa.gov/saferchoice.*

C. What is the DfE program?

The DfE program is a companion program to Safer Choice and certifies antimicrobial products. The DfE logo may be used on certified products and helps consumers and commercial buyers identify products that meet the health and safety standards of the pesticide registration process required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as well as the Safer Choice program's stringent criteria for efficacy and effects on human health and the environment. For more information on the DfE program, please see: *https://www.epa.gov/pesticide-labels/learn-about-design-environment-dfe-certification.*

D. What is the purpose of the award?

The purpose of the Partner of the Year Awards is to recognize the leadership contributions of Safer Choice program partners and stakeholders who, over the past year, have shown achievement in the design, manufacture, selection, and use of products with safer chemicals, that further outstanding or innovative source reduction. EPA especially encourages submission of award applications that show how the applicant's work in the design, manufacture, selection, and use of those products promotes environmental justice, bolsters resilience to the impacts of climate change, results in cleaner air or water, improves drinking water quality, or advances innovation in packaging. Similar achievement in the design, manufacture, selection, and use of DfE-certified products will also make an organization eligible for the Partner of the Year Awards.

E. How can I participate?

All Safer Choice stakeholders and program participants in good standing are eligible for recognition. Interested parties who would like to be considered for this award should submit to EPA an application detailing their accomplishments and contributions during calendar year 2022. The application form is available on the Safer Choice website. Candidates interested in learning more about the Partner of the Year Awards should refer to the following link: *https://www.epa.gov/saferchoice/safer-choice-partner-year-awards.* EPA will recognize award winners at a Safer Choice Partner of the Year Awards ceremony in the fall of 2023.

Authority: 42 U.S.C. 13103(b)(13) and 15 U.S.C. 2609.

Dated: March 17, 2023.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2023–06241 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2015–0613; FRL–10843–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Implementation of Title I of the Marine Protection, Research, and Sanctuaries Act (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Implementation of Title I of the Marine Protection, Research, and Sanctuaries Act (EPA ICR Number 0824.08, OMB Control Number 2040–0008) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2023. Public comments were previously requested via the **Federal Register** on July 13, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before April 26, 2023.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2015–0613, to EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Chris Laabs, Oceans, Wetlands, and Communities Division, mail code 4504T, Office of Wetlands, Oceans, and Watersheds, mail code 4501T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1223; email address: *Laabs.Chris@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through March 31, 2023. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on July 13, 2022 during a 60-day comment period (87 FR 41716). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: With limited exceptions, ocean dumping—the transportation of any material for the purpose of dumping in ocean waters—is prohibited except in compliance with a permit issued under the Marine Protection, Research, and Sanctuaries Act (MPRSA). EPA is responsible for issuing ocean dumping permits for all materials except dredged material. The U.S. Army Corps of Engineers (USACE) is responsible for issuing ocean dumping permits for dredged material using EPA's environmental criteria. In the case of Federal navigation projects, USACE may implement the MPRSA directly in the Federal projects involving ocean disposal of dredged materials in lieu of the permit process. USACE relies on EPA's Ocean Dumping Criteria when evaluating permit requests for (and implementing Federal projects involving) the transportation of dredged material for the purpose of dumping it into ocean waters. MPRSA permits and federal projects involving the ocean dumping of dredged material are subject to EPA review and concurrence. EPA is also responsible for designating and managing ocean sites for the disposal of wastes and other materials and establishing Site Management and Monitoring Plans for ocean disposal sites. EPA collects, or sponsors the collection of, information for the

purposes of permit issuance, reporting of emergency dumping to safeguard life at sea, and for compliance with permit requirements. EPA may issue emergency, research, special, and general permits. Examples of EPA permits include general permits for burial at sea, for transportation and disposal of vessels, and for ocean disposal of marine mammal carcasses.

EPA collects this information to ensure that ocean dumping is appropriately regulated and will not harm human health and the marine environment, based on applying the Ocean Dumping Criteria. The Ocean Dumping Criteria consider, among other things: the environmental impact of the dumping; the need for the dumping; the effect of the dumping on aesthetic, recreational, or economic values; land-based alternatives to ocean dumping; and the adverse effects of the dumping on other uses of the ocean. The Ocean Dumping Criteria are codified in 40 CFR parts 220 through 228. To meet U.S. reporting obligations under the London Convention, an international treaty on ocean dumping, EPA also reports some of this information in the annual United States Ocean Dumping Report.

EPA uses ocean dumping information to make decisions regarding whether to issue, deny, or impose conditions on ocean dumping permits issued by EPA, in order to ensure consistency with the Ocean Dumping Criteria. EPA uses monitoring and reporting data from permittees to assess compliance with ocean dumping permits, including associated monitoring activities.

Form numbers: None.

Respondents/affected entities: Any private person or entity, or State, local, or foreign governments.

Respondent's obligation to respond: Required to obtain or retain a benefit, specifically permit authorization and/or compliance with permits required under MPRSA sections 102 and 104, 33 U.S.C. 1402 & 1404, and implementing regulations at 40 CFR parts 220 through 229.

Estimated number of respondents: 2,490 respondents per year (total).

Frequency of response: Varies greatly depending on the respondent/entities needs to obtain or retain the benefits entailed in 40 CFR parts 220 through 229.

Total estimated burden: 3,369 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $722,340 (per year), which includes $565,299 for capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 127 total estimated respondent hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The decrease is related to a lower number of general permit submissions anticipated, consistent with the actual average number of submissions. The total average annual costs have increased from $344,066 to $722,340 due to an anticipated increase in research permit submissions from once every ten years to once every two years which may require additional supporting analysis.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2023–06228 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0449; FRL–10842–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; GreenChill Advanced Refrigeration Partnership (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), GreenChill Advanced Refrigeration Partnership (EPA ICR Number 2349.03, OMB Control Number 2060–0702) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2023. Public comments were previously requested via the **Federal Register** on August 24, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before April 26, 2023.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0449, to EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Kersey Manliclic, Stratospheric Protection Divison—Office of Air and Radiation, (3204A) Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–9981; email address: *Manliclic.Kersey@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through March 31, 2023. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 24, 2022 during a 60-day comment period 87 FR 51978. This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: GreenChill is a voluntary partnership program sponsored by the U.S. Environmental Protection Agency (EPA) that encourages food retailers and manufacturers to adopt cost effective technologies and practices that reduce refrigerant emissions and improve operational efficiency. The GreenChill Program works with the food retail industry to lower barriers inhibiting the implementation of technologies and practices that reduce refrigerant emissions. The Program effectively promotes the adoption of emission reduction practices and technologies by engaging GreenChill Partners to set an annual refrigerant emission reduction

goal and develop a refrigerant management plan reflecting the company's implementation objectives. Implementation of the Partners' refrigeration management plan to reduce refrigerant emissions enhances the protection of the environment and may save Partners money and improve operational efficiency. The GreenChill Program offers the opportunity for any individual store to earn GreenChill Certification at the silver, gold, platinum, or other level when it demonstrates that the amount of refrigerant used is below a specified limit, based on the store's million British Thermal Units per hour (MBTU/hr) cooling load, and that the refrigerant emitted from the store in the prior 12 months is below a specified percentage depending on each GreenChill Store Certification level. Information submitted for the certification of individual stores is compared to these set criteria for each certification level. The certification of a store provides the opportunity for broad recognition within the food retail industry and with the store's customers.

Form numbers: 5900–213, 5900–214, 5900–586, 5900–587, 5900–588, 5900–589, 5900–590, 5900–591, 5900–592.

Respondents/affected entities: Entities potentially affected by this action listed under the North American Industry Classification System (NAICS) code for 445110, Supermarkets.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 774 (per year).

Frequency of response: Annual, and when desired

Total estimated burden: 5,863 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $490,358 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is increase of 3,255 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is primarily due to growth, by a factor of almost four, in the number of stores participating in the Store Certification Program.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2023–06229 Filed 3–24–23; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, March 30, 2023 at 10:30 a.m.

PLACE: Hybrid meeting: 1050 First Street NE, Washington, DC (12th floor) and virtual.

Note: For those attending the meeting in person, current COVID–19 safety protocols for visitors, which are based on the CDC covid–19 community level in Washington, DC, will be updated on the Commission's contact page by the Monday before the meeting. See the contact page at *https://www.fec.gov/contact/*. If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID–19 community level and corresponding health and safety procedures. To access the meeting virtually, go to the commission's website *www.fec.gov* and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2023–02: Humana, Inc.

Audit Division Recommendation Memorandum on Latinos for America First (A21–12)

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b.)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2023–06402 Filed 3–23–23; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT:

88 FR 16446.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, March 28, 2023 at 10:30 a.m. and its continuation at the conclusion of the open meeting on March 30, 2023.

CHANGES IN THE MEETING: This meeting will also be held on Friday, March 31, 2023 at 11:30 a.m.

* * * * *

CONTACT FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b.)

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2023–06403 Filed 3–23–23; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 11, 2023.

A. Federal Reserve Bank of Minneapolis (Stephanie Weber, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *Sally A. Farrar, Arkansaw,Wisconsin; Arthur Turner, Lauderdale, Minnesota; Reid Turner, Iowa City, Iowa;* and *Mary S. Farrar Turner and Frank Turner, both of Pierre, South Dakota;* to retain voting shares of Capitol Bancorporation, Inc., Britton, South Dakota, and thereby indirectly retain voting shares of First National Bank, Fort Pierre, South Dakota, as part of a group acting in concert that also

includes the Frank L. Farrar Dynasty Trust II, the Frank L. Farrar and Patricia J. Farrar 2022 Irrevocable Trust, Robert Farrar as trustee of the trusts and individually, all of Britton, South Dakota; Jeanne Farrar Orfield and Samuel Farrar Orfield, Minneapolis, Minnesota; and Anne M. Farrar, St. Paul, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–06284 Filed 3–24–23; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Savings and Loan Holding Company

The notificants listed below have applied under the Change in Bank Control Act (''Act'') (12 U.S.C. 1817(j)) and of the Board's Regulation LL (12 CFR 238.31) to acquire shares of a savings and loan holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 11, 2023.

A. Federal Reserve Bank of Minneapolis (Stephanie Weber, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *Sally A. Farrar, Arkansaw, Wisconsin; Arthur Turner, Lauderdale, Minnesota; Reid Turner, Iowa City, Iowa; and Mary S. Farrar Turner and Frank Turner, both of Pierre, South Dakota;* to retain voting shares of Beresford Bancorporation, Inc., Britton, South Dakota, and thereby indirectly retain voting shares of First Savings Bank, Beresford, South Dakota, as part of a group acting in concert that includes the Frank L. Farrar Dynasty Trust II, the Frank L. Farrar and Patricia J. Farrar 2022 Irrevocable Trust, Robert Farrar as trustee of the trusts and individually, all of Britton, South Dakota; Jeanne Farrar Orfield and Samuel Farrar Orfield, Minneapolis, Minnesota; and Anne M. Farrar, St. Paul, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2023–06283 Filed 3–24–23; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2022–0001; Sequence No. 16]

Submission for OMB Review; GSA Equity Study on Remote Identity Proofing; Correction

AGENCY: Technology Transformation Services (TTS), General Services Administration (GSA).

ACTION: Notice; correction.

SUMMARY: The General Services Administration published a document in the **Federal Register** of February 10, 2023, concerning a request for comments regarding a new information collection. The document contained information in the discussion and analysis section that is no longer needed.

FOR FURTHER INFORMATION CONTACT: Tiffany Andrews or Gerardo E. Cruz-Ortiz by phone 202–969–0772 or via email to *identityequitystudy@gsa.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of February 10, 2023, in FR Doc. 2023–03131, on page 8864, in the second column, correct the sixth paragraph to read:

GSA is consulting with the Center for Information Technology Research (CITeR) and researchers at Clarkson University to ensure that the statistical design of the study is sound. GSA representatives have met with staff from other government agencies that have conducted similar research. These groups have agreed that the collection is useful and necessary to improve the delivery of government services.

Beth Anne Killoran,

Deputy Chief Information Officer.

[FR Doc. 2023–06174 Filed 3–24–23; 8:45 am]

BILLING CODE 6820–AB–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2023–0019]

Advisory Committee to the Director, Centers for Disease Control and Prevention

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 (CDC) announces the following meeting of the Advisory Committee to the Director, Centers for Disease Control and Prevention (ACD, CDC). This is a hybrid meeting, accessible both in person and virtually (webcast live via the World Wide Web). It is open to the public and limited only by the space available. Time will be available for public comment.

DATES: The meeting will be held on May 11, 2023, from 9 a.m. to 3 p.m., EDT (times subject to change).

Written comments must be received on or before May 1, 2023.

ADDRESSES:

Meeting address: CDC Roybal Campus, Building 19, Room 247 and 248, 1600 Clifton Road NE, Atlanta, Georgia 30329–4027. The conference rooms combine to accommodate approximately 60 people.

Please note that the meeting location, the CDC Roybal Campus, is a federal facility and in-person access is limited to United States citizens unless prior authorizations, taking up to 30 to 60 days, have been made. Visitors must follow all directions for access to CDC facilities. Directions for visitors to CDC, including safety requirements related to COVID–19, are available at *https://www.cdc.gov/screening/visitors.html.*

Registration: You must register to attend this meeting in person. If you wish to attend in person, please submit a request by email to *ACDirector@cdc.gov* or by telephone at (404) 718–5028 at least 5 business days in advance

of the meeting. No registration is required to view the meeting via the World Wide Web. Information for accessing the webcast will be available at *https://www.cdc.gov/about/advisory-committee-director/.*

Written comments: You may submit comments, identified by Docket No. CDC–2023–0019, by either of the methods listed below. Do not submit comments for the docket by email. CDC does not accept comments for the docket by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Bridget Richards, MPH, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–10, Atlanta, Georgia 30329–4027. Attn: Docket No. CDC–2023–0019.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* Written comments received in advance of the meeting will be included in the official record of the meeting.

FOR FURTHER INFORMATION CONTACT: Bridget Richards, MPH, Office of the Chief of Staff, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–10, Atlanta, Georgia 30329–4027; Telephone: (404) 718–5028; Email: *ACDirector@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Advisory Committee to the Director, CDC, shall (1) make recommendations to the Director regarding ways to prioritize the activities of the agency in alignment with the CDC Strategic Plan required under section 305(c); H.R. 2617–1252; (2) advise on ways to achieve or improve performance metrics in relation to the CDC Strategic Plan, and other relevant metrics, as appropriate; (3) provide advice and recommendations on the development of the Strategic Plan, and any subsequent updates, as appropriate; (4) advise on grant, cooperative agreements, contracts, or other transactions, as applicable; (5) provide other advice to the Director, as requested, to fulfill duties under sections 301 and 311; and (6) appoint subcommittees. The Committee recommends ways to prioritize CDC's activities, improve results, and address health disparities. It also provides guidance to help CDC work more effectively with its various private and public sector constituents to make health protection a practical reality.

Matters To Be Considered: The agenda will include discussions regarding CDC's current and future work in the following topic areas: (1) communications; (2) laboratory quality; (3) global health; (4) health equity; (5) response readiness; and (6) data and surveillance. The ACD will hear reports from its workgroups on data and surveillance, laboratory quality, and health equity topics. In addition, the ACD will hear an update on communications, global health, and response readiness. Agenda items are subject to change as priorities dictate.

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, 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 Public Comment: The docket will be opened to receive written comments on March 27, 2023 through April 28, 2023.

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. 2023–06258 Filed 3–24–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

In accordance with 5 U.S.C. 1009(d), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463.

Name of Committee: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Dates: June 6–7, 2023.

Times: 11 a.m.–5 p.m., EDT.

Place: Teleconference.

Agenda: The meeting will convene to address matters related to the conduct of Study Section business and for the Study Section to consider safety and occupational health-related grant applications.

For Further Information Contact: Michael Goldcamp, Ph.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1095 Willowdale Road, Morgantown, West Virginia 26506. Telephone: (304) 285–5951; Email: *MGoldcamp@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. 2023–06256 Filed 3–24–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 1009(d) of 5 U.S.C. 10, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CK23–001, Clinical and Applied Research Strategies for the Prevention and Control of Fungal Diseases.

Date: June 15, 2023.

Time: 10:00 a.m.–5:00 p.m. (EDT).

Place: Teleconference, Centers for Disease Control and Prevention, Room 1077, 8 Corporate Blvd., Atlanta, GA 30329.

Agenda: To review and evaluate grant applications.

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. 2023–06255 Filed 3–24–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10221 and CMS–10788]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 26, 2023.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number:____ Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10221 Independent Diagnostic Testing Facilities (IDTFs) Site Investigation Collection

CMS–10788 Prescription Drug and Health Care Spending

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Independent Diagnostic Testing Facilities (IDTFs) Site Investigation Collection; *Use:* The purpose of the site investigation is to ensure that the IDTF is in compliance with the provisions of 42 CFR 410.33, as well as all other applicable Federal, State and local laws and regulations. It is also used to verify the information the IDTF furnished on its CMS- 855B enrollment application. Sections 1814(a), 1815(a), and 1833(e) of the Act require the submission of information necessary to determine the amounts due

to a provider or other person. To fulfill this requirement, CMS must collect information on any IDTF supplier who submits a claim to Medicare or who applies for a Medicare billing number before allowing the IDTF to enroll. This information must, minimally, clearly identify the provider and its' place of business as required by CFR 424.500 (Requirements for Establishing and Maintaining Medicare Billing Privileges) and provide all necessary documentation to show they are qualified to perform the services for which they are billing. The site inspection form allows inspectors to verify the information using a standardized information collection methodology. *Form Number:* CMS–10221 (OMB control number: 0938–1029); *Frequency:* Occasionally; *Affected Public Sector:* Private Sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 652; *Total Annual Responses:* 652; *Total Annual Hours:* 1,304. (For policy questions regarding this collection contact Angelika Broznowicz at 410–786–8242).

2. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* Prescription Drug and Health Care Spending; *Use:* On December 27, 2020, the Consolidated Appropriations Act, 2021 (CAA) was signed into law. Section 204 of Title II of Division BB of the CAA added parallel provisions at section 9825 of the Internal Revenue Code (the Code), section 725 of the Employee Retirement Income Security Act (ERISA), and section 2799A–10 of the Public Health Service Act (PHS Act) that require group health plans and health insurance issuers offering group or individual health insurance coverage to annually report to the Department of the Treasury, the Department of Labor (DOL), and the Department of Health and Human Services (HHS) (collectively, ''the Departments'') certain information about prescription drug and health care spending, premiums, and enrollment under the plan or coverage. This information will support the development of public reports that will be published by the Departments on prescription drug reimbursements for plans and coverage, prescription drug pricing trends, and the role of prescription drug costs in contributing to premium increases or decreases under the plans or coverage. The 2021 interim final rules, ''Prescription Drug and Health Care Spending'' (2021 interim final rules), issued by the Departments and the Office of Personnel Management (OPM) implement the provisions of section 9825 of the Code, section 725 of ERISA, and section 2799A–10 of the PHS Act, as enacted by section 204 of Title II of Division BB of the CAA. OPM joined the Departments in issuing the 2021 interim final rules, requiring Federal Employees Health Benefits (FEHB) carriers to report information about prescription drug and health care spending, premiums, and plan enrollment in the same manner as a group health plan or health insurance issuer offering group or individual health insurance coverage. *Form Number:* CMS–10788 (OMB control number: 0938–1407); *Frequency:* Annually; *Affected Public Sector:* Private Sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 356; *Total Annual Responses:* 356; *Total Annual Hours:* 764,442. (For policy questions regarding this collection contact Christina Whitefield at 202–536–8676.)

Dated: March 21, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023–06226 Filed 3–24–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3436–N]

Announcement of the Approval of the Accreditation Commission for Health Care (ACHC) as an Accreditation Organization Under the Clinical Laboratory Improvement Amendments of 1988

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the approval of the application of the Accreditation Commission for Health Care (ACHC) as an accreditation organization for clinical laboratories under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) program for all specialty and subspecialty areas under CLIA. We have determined that the ACHC meets or exceeds the applicable CLIA requirements. In this notice, we announce the approval and grant the ACHC deeming authority for a period of 6 years.

DATES: The approval announced in this notice is effective from March 27, 2023 to March 27, 2029.

FOR FURTHER INFORMATION CONTACT: Kathleen Todd, (410) 786–3385.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

On October 31, 1988, the Congress enacted the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578). CLIA amended section 353 of the Public Health Service Act. We issued a final rule implementing the accreditation provisions of CLIA on July 31, 1992 (57 FR 33992). Under those provisions, CMS may grant deeming authority to an accreditation organization if its requirements for laboratories accredited under its program are equal to or more stringent than the applicable CLIA program requirements in 42 CFR part 493 (Laboratory Requirements). Subpart E of part 493 (Accreditation by a Private, Nonprofit Accreditation Organization or Exemption under an Approved State Laboratory Program) specifies the requirements an accreditation organization must meet to be approved by CMS as an accreditation organization under CLIA.

II. Notice of Approval of the ACHC as an Accreditation Organization

In this notice, we approve and grant deeming authority to the Accreditation Commission for Health Care (ACHC) as an organization that may accredit laboratories for purposes of establishing their compliance with CLIA requirements for all specialty and subspecialty areas under CLIA. We have examined the initial ACHC application and all subsequent submissions to determine its accreditation program's equivalency with the requirements for approval of an accreditation organization under subpart E of part 493. We have determined that ACHC meets or exceeds the applicable CLIA requirements. We have also determined that ACHC will ensure that its accredited laboratories will meet or exceed the applicable requirements in subparts H, J, K, M, Q, and the applicable sections of R of part 493.

Therefore, we grant ACHC approval as an accreditation organization under subpart E of part 493, for the period stated in the **DATES** section of this notice for all specialty and subspecialty areas under CLIA. As a result of this determination, any laboratory that is accredited by ACHC during the time period stated in the **DATES** section of this notice will be deemed to meet the CLIA requirements for the listed subspecialties and specialties, and therefore, will generally not be subject to routine inspections by a state survey

agency to determine its compliance with CLIA requirements. The accredited laboratory, however, may be subject to validation and complaint inspection surveys performed by CMS, or its agent(s).

III. Evaluation of the ACHC Request for Approval as an Accreditation Organization Under CLIA

The following describes the process used to determine that the ACHC accreditation program meets the necessary requirements for approval by CMS and that, as such, CMS may approve ACHC as an accreditation program with deeming authority under the CLIA program. ACHC formally applied to CMS for approval as an accreditation organization under CLIA for all specialties and subspecialties under CLIA. In reviewing these materials, we reached the following determinations for each applicable part of the CLIA regulations.

A. Subpart E—Accreditation by a Private, Nonprofit Accreditation Organization or Exemption Under an Approved State Laboratory Program

The ACHC submitted a description of its mechanism for monitoring compliance with all those requirements equivalent to CMS condition-level requirements; a list of all its current laboratories and the expiration date of their accreditations; and a detailed comparison of the individual accreditation requirements with the comparable condition-level requirements. We have determined that the ACHC policies and procedures for oversight of laboratories performing all laboratory testing covered by CLIA are equivalent to those required by our CLIA regulations in the matters of inspection, monitoring proficiency testing (PT) performance, investigating complaints, and making PT information available. The ACHC submitted documentation regarding its requirements for monitoring and inspecting laboratories and describing its own standards regarding accreditation organization data management, inspection processes, procedures for removal or withdrawal of accreditation, notification requirements, and accreditation organization resources. We have determined that the requirements of the accreditation program submitted for approval are equal to or more stringent than the requirements of the CLIA regulations.

Our evaluation identified ACHC requirements pertaining to waived testing that are more stringent than the CLIA requirements. The ACHC waived testing requirements include the following:

- Identifying qualifications and responsibilities for the personnel performing waived testing and the supervisors of waived testing.
- Requirements for waived testing personnel competency.
- Conducting defined quality control checks (QC) for waived complexity tests including the review of results prior to reporting patient results and documenting corrective action taken when QC results do not meet acceptable limits.

The CLIA requirements at § 493.15(e) only require that to be eligible for a certificate of waiver, a laboratory performing waived testing follow the manufacturer's instructions and meet the requirements to obtain a certificate of waiver.

B. Subpart H—Participation in Proficiency Testing for Laboratories Performing Nonwaived Testing

We have determined that the ACHC's requirements are equal to or more stringent than the CLIA requirements at §§ 493.801 through 493.865. Consistent with the CLIA requirements, all of ACHC's accredited laboratories are required to participate in an HHS-approved PT program for tests listed in subpart I.

C. Subpart J—Facility Administration for Nonwaived Testing

The ACHC's requirements are equal to or more stringent than the CLIA requirements at §§ 493.1100 through 493.1105.

D. Subpart K—Quality System for Nonwaived Testing

We have determined that the quality control requirements of the ACHC are equal to or more stringent than the CLIA requirements at §§ 493.1200 through 493.1299. Specific areas that are more stringent are the following:

- QC requirements for RPR needles and rotators used in syphilis testing.
- QC requirements for platelet poor plasma used in coagulation testing

E. Subpart M—Personnel for Nonwaived Testing

We have determined that the ACHC's requirements are equal or more stringent than to the CLIA requirements at §§ 493.1403 through 493.1495 for personnel for nonwaived testing for laboratories that perform moderate and high complexity testing.

F. Subpart Q—Inspections

We have determined that the ACHC's inspection requirements are equal to or more stringent than the CLIA requirements at §§ 493.1771 through 493.1780. ACHC will continue to conduct biennial onsite inspections consistent with the requirements at §§ 493.1771 through 493.1780.

G. Subpart R—Enforcement Procedures

We have determined that ACHC meets the requirements of subpart R to the extent that it applies to accreditation organizations. The ACHC policy sets forth the actions the organization takes when laboratories it accredits do not comply with its requirements and standards for accreditation. When appropriate, ACHC will deny, suspend, or revoke accreditation of a laboratory accredited by ACHC and report that action to us within 30 days. ACHC also provides an appeals process for laboratories that have had accreditation denied, suspended, or revoked.

We have determined that ACHC 's laboratory enforcement and appeal policies are equal to or more stringent than the requirements of part 493 subpart R as they apply to accreditation organizations.

IV. Federal Validation Inspections and Continuing Oversight

The Federal validation inspections of laboratories accredited by the ACHC may be conducted on a representative sample basis or in response to substantial allegations of noncompliance (that is, complaint inspections). The outcome of those validation inspections, performed by CMS or our agents, or the State survey agencies, will be our principal means for verifying that the laboratories accredited by the ACHC remain in compliance with CLIA requirements. This Federal monitoring is an ongoing process.

V. Removal of Approval as an Accrediting Organization

CLIA regulations at § 493.575 provide that we may withdraw the approval of an accreditation organization, such as that of the ACHC, before the end of the effective date of approval in certain circumstances. For example, if we determine that the ACHC has failed to adopt, maintain and enforce requirements that are equal to, or more stringent than, the CLIA requirements, or that systemic problems exist in its monitoring, inspection or enforcement processes, we may impose a probationary period, not to exceed 1 year, in which the ACHC would be allowed to address any identified issues. Should the ACHC be unable to address the identified issues within that timeframe, CMS may, in accordance

with the applicable regulations, revoke the ACHC's deeming authority under CLIA.

Should circumstances result in our withdrawal of ACHC 's approval, we will publish a notice in the **Federal Register** explaining the justification for removing its approval.

VI. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget (OMB) under the authority of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35). The requirements associated with the accreditation process for clinical laboratories under the CLIA program, and the implementing regulations in 42 CFR part 493, subpart E, are currently approved under OMB control number 0938–0686.

VII. Executive Order 12866 Statement

In accordance with the provisions of Executive Order 12866, this notice was not reviewed by the Office of Management and Budget.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Evell J. Barco Holland,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2023–06280 Filed 3–24–23; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–1149]

Transition Plan for Medical Devices Issued Emergency Use Authorizations Related to Coronavirus Disease 2019 (COVID–19); Guidance for Industry, Other Stakeholders, and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID–19).'' FDA recognizes that it will take time for device manufacturers, device distributors, healthcare facilities, healthcare providers, patients, consumers, and FDA to adjust from policies adopted and operations implemented during the COVID–19 pandemic to ''normal operations.'' To provide a clear policy for all stakeholders and FDA staff, the Agency is issuing this guidance to describe FDA's general recommendations for this transition process with respect to devices issued EUAs related to COVID–19, including recommendations regarding submitting a marketing submission, as applicable, and taking other actions with respect to these devices.

DATES: The announcement of the guidance is published in the **Federal Register** on March 27, 2023.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–1149 for ''Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID–19).'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management

Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID–19)'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Jacqueline Gertz, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1655, Silver Spring, MD 20993–0002, 240–402–9677.

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 2020, the Secretary of Health and Human Services (the Secretary) issued a declaration of a public health emergency (PHE) related to COVID–19 in accordance with section 319 of the Public Health Service Act (section 319 PHE) (42 U.S.C. 247d) and mobilized the Operating Divisions of the Department of Health and Human Services (HHS).[1] Pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360bbb–3), on February 4, 2020, the Secretary determined that there is a PHE that has significant potential to affect national security or the health and security of U.S. citizens living abroad, and that involves the SARS–CoV–2 virus that causes COVID–19. On the basis of such determination, the Secretary declared on that same day, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of the SARS–CoV–2 virus that causes COVID–19 (85 FR 7316). Based on the February 4, 2020, determination, the Secretary issued two more declarations justifying emergency uses related to devices: on March 2, 2020, for certain personal respiratory protective devices (85 FR 13907), and on March 24, 2020, for devices, including alternative products used as devices (85 FR 17335). On March 15, 2023, the Secretary amended the February 4, 2020 determination to recognize the fact that there is ''a public health emergency, *or a significant potential for a public health emergency,* that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad . . .'' and that involves the SARS–CoV–2 virus that causes COVID–19 (emphasis added) (88 FR 16644).

Section 564 of the FD&C Act authorizes FDA, after the Secretary has made a declaration of emergency or threat justifying authorization of emergency use, to authorize the emergency use of an unapproved product or an unapproved use of an approved product for certain emergency circumstances. FDA may issue an EUA to allow a product to be used to diagnose, treat, or prevent a serious or life-threatening disease or condition referenced in the EUA declaration, when the statutory criteria are met, including FDA's determination that, based on the totality of scientific evidence, the product may be effective for such use, the known and potential benefits outweigh the known and potential risks for such use, and that there are no adequate, approved, and available alternatives.

An EUA issued under section 564 of the FD&C Act remains in effect for the duration of the relevant EUA declaration, unless the EUA is revoked because the criteria for issuance are no longer met or revocation is appropriate to protect public health or safety (see section 564(f) through (g) of the FD&C Act).

Given the magnitude of the response to the COVID–19 pandemic, including the number of devices issued EUAs, FDA recognizes that stakeholders may need time to adjust after the termination of the device EUA declarations to help to ensure an orderly and transparent transition to ''normal operations.'' The Agency is issuing this guidance to describe FDA's general recommendations for this transition process with respect to devices issued EUAs related to COVID–19, including recommendations regarding submitting a marketing submission, as applicable, and taking other actions with respect to these devices. FDA is concurrently issuing a companion transition guidance to describe FDA's recommendations for devices that fall within certain enforcement policies issued during the section 319 PHE related to COVID–19.

This guidance applies to devices that have been issued an EUA under section 564 of the FD&C Act on the basis of a device EUA declaration related to COVID–19. This guidance does not apply to devices for which FDA has revoked the EUA under section 564(g)(2)(B) through (C) of the FD&C Act because the criteria under section 564(c) of the FD&C Act were no longer met or because other circumstances made such revocation appropriate to protect the public health or safety.

HHS intends to publish the advance notice of termination of each EUA declaration pertaining to devices in the **Federal Register** 180 days before the day on which the EUA declaration is terminated. The advance notice of termination of each device EUA declaration may occur simultaneously or at different times, depending on whether the circumstances underlying such declarations continue to exist (section 564(b)(2)(A) of the FD&C Act).

A notice of availability of the draft guidance appeared in the **Federal Register** of December 23, 2021 (86 FR 72978). FDA considered comments received and revised the guidance as appropriate in response to the comments, including revising the recommendation for interim labeling during the time when the device EUA declaration has been terminated and a manufacturer's marketing submission for a device is under FDA review, providing clarity on recommendations regarding physical and/or electronic copies of updated labeling, and adding clarifications regarding use of real-world evidence in marketing submissions, interactions with FDA, collaboration with stakeholders on the transition process, in vitro diagnostics, and example scenarios.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the ''Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID–19).'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

[1] Secretary of HHS, Determination that a Public Health Emergency Exists (originally issued on January 31, 2020, and subsequently renewed), available at *https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx.* On February 9, 2023, the Secretary renewed the section 319 PHE declaration related to COVID–19, effective February 11, 2023. The section 319 PHE declaration related to COVID–19 is anticipated to expire at the end of the day on May 11, 2023. See the HHS ''Fact Sheet: COVID–19 Public Health Emergency Transition Roadmap,'' (February 9, 2023), available at *https://www.hhs.gov/about/news/2023/02/09/fact-sheet-covid-19-public-health-emergency-transition-roadmap.html.*

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Transition Plan for Medical Devices Issued Emergency Use Authorizations (EUAs) Related to Coronavirus Disease 2019 (COVID–19)'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI00020042 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

This guidance refers to previously approved FDA collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the table below.

This guidance also contains new collections of information not approved under a current collection. These new collections of information have been granted a PHE waiver from the PRA by HHS on March 19, 2020, under section 319(f) of the PHS Act. Information concerning the PHE PRA waiver can be found on the HHS website at *https://aspe.hhs.gov/public-health-emergency-declaration-pra-waivers.*

CFR cite referenced in this guidance	Another guidance referenced in this guidance	OMB control No(s).	New collection covered by PHE PRA waiver
	''Emergency Use Authorization of Medical Products and Related Authorities; Guidance for Industry and Other Stakeholders''.	0910–0595	
	''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program Guidance for Industry and Food and Drug Administration Staff''.	0910–0756	
	''Administrative Procedures for CLIA Categorization'' and ''Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices—Guidance for Industry and FDA Staff''.	0910–0607	
800, 801, and 809		0910–0485	
803		0910–0437	
806		0910–0359	
807, subparts A through D		0910–0625	
807, subpart E		0910–0120	
812		0910–0078	
814, subparts A through E		0910–0231	
814, subpart H		0910–0332	
820		0910–0073	
830 and 801.20		0910–0720	
860, subpart D		0910–0844	
			Notification of Intent.
			Transition Implementation Plan.
			Labeling Mitigation for Certain Reusable Devices.

Dated: March 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06292 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0814]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Infant Formula Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Submit written comments (including recommendations) on the collection of information by April 26, 2023.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0256. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Infant Formula Requirements Under the Federal Food, Drug, and Cosmetic Act—21 CFR Parts 106 and 107

OMB Control Number 0910–0256—Revision

This information collection supports FDA regulations, and associated Agency forms and guidance, pertaining to infant formula requirements. Statutory provisions for infant formula under the Federal Food, Drug, and Cosmetic Act (FD&C Act) were enacted to protect the health of infants and include specific current good manufacturing practice (CGMP), labeling (disclosure), and a number of reporting and recordkeeping requirements. Section 412 of the FD&C Act (21 U.S.C. 350a) requires manufacturers of infant formula to establish and document the adherence to quality control procedures, notify FDA when a batch of infant formula that has left the manufacturers' control may be adulterated or misbranded, and keep records of infant formula distribution. Notification requirements are also included in the regulations regarding the quantitative formulation of the infant formula; a description of any reformulation or change in processing; assurances that the formula will not be marketed until regulatory requirements are met as demonstrated by specific testing; and assurances that manufacturing processes comply with the regulations. The regulations are found in 21 CFR part 106: Infant Formula Requirements Pertaining to Current Good Manufacturing Practice, Quality Control Procedures, Quality Factors, Records and Reports, and Notifications; and 21 CFR part 107: Infant Formula.

We have revised the information collection as part of the Federal Government's response to address ongoing disruptions in the infant formula supply. We communicated our initial efforts to address the infant formula shortage in the May 2022 guidance entitled ''Infant Formula Enforcement Discretion Policy: Guidance for Industry'' (May 2022 guidance; available at: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-infant-formula-enforcement-discretion-policy*). To clarify whether products currently subject to enforcement discretion would be able to remain on the market, we issued the September 2022 guidance entitled ''Infant Formula Transition Plan for Exercise of Enforcement Discretion: Guidance for Industry'' (September 2022 guidance; available at: *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-infant-formula-transition-plan-exercise-enforcement-discretion*). The September 2022 guidance sets out a pathway for manufacturers of infant formula that began marketing infant formula products in the United States after receiving a letter of enforcement discretion based on information provided in response to the May 2022 guidance to seek to continue marketing such products under enforcement discretion while they work to bring their infant formula products fully into compliance with applicable requirements.

In the **Federal Register** of October 6, 2022 (87 FR 60689), FDA announced that we had requested, and OMB had approved, emergency processing of the proposed collection of information under section 3507(j) of the PRA (44 U.S.C. 3507(j) and 5 CFR 1320.13) and invited public comment, instructing comments be submitted to OMB. No comments have been received. On our own initiative, however, we are also revising the collection to account for voluntary notifications pertaining to product samples found to be positive for *Cronobacter* spp. or *Salmonella,* even if the affected lot(s) have not been distributed. FDA has requested this information to help prevent future *Cronobacter* spp. illnesses associated with powdered infant formula. As part of a constituent update, available at *https://www.fda.gov/food/cfsan-constituent-updates/fda-calls-enhanced-safety-measures-letter-powdered-infant-formula-industry,* we issued a letter on March 8, 2023, to share current information to assist industry in improving the microbiological safety of powdered infant formula. As communicated in the letter, we shared the information with the expectation that infant formula manufacturers, packers, distributors, exporters, importers, and retailers will act to mitigate potential food safety risks in powdered infant formula in accordance with FDA regulations while further striving to improve operations, especially given the critical nature of these products.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ONE-TIME ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submit information in accordance with timing and content schedule discussed in guidance document for both exempt and non-exempt infant formulas.	115	1	115	24	2,760
Letter of Intent	11	1	11	5	55
Plan to Meet Applicable Infant Formula Requirements.	11	1	11	90	990
Voluntary Submission of sample results as described in constituent update of March 8, 2023.	20	1	20	0.25 (15 minutes)	5
Total					3,810

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimate is based on submissions received in response to the May 2022 guidance, for which we account for 115 respondents, each of whom submitted 1 request. We assume it requires an average of 24 hours to prepare each submission, and therefore calculate a total of 2,760 burden hours (115 requests × 24 hours). Although originally we assumed 15 respondents would initiate requesting enforcement discretion, out of those 115 respondents,

we have issued letters of enforcement discretion to 12 of them. We received letters from 11 of these respondents indicating their intent to bring their products fully into compliance with applicable regulatory requirements and requesting that we continue to exercise enforcement discretion in the interim, and have therefore adjusted the number of respondents associated with the corresponding activities accordingly. We assume each request requires an average of 5 hours to prepare, for a total of 55 burden hours (11 letters × 5 hours). We estimate these same respondents will then submit a compliance plan and assume each plan will require an average of 90 hours to prepare, for a total of 990 burden hours (11 plans × 90 hours).

We estimate the burden associated with the voluntary notification of positive sampling results as discussed in our March 8, 2023, letter to be 20 responses and 5 hours annually, assuming 15 minutes is necessary for the completion of this activity. We also assume respondents will utilize established notification methods found on our website or by contacting the FDA district office in which the positive sampling results have occurred.

Dated: March 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06249 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–0110]

Clinical Trial Considerations To Support Accelerated Approval of Oncology Therapeutics; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Clinical Trial Considerations to Support Accelerated Approval of Oncology Therapeutics.'' The purpose of this guidance is to provide recommendations to sponsors of anti-cancer drugs or biological products on considerations for designing trials intended to support accelerated approval. The accelerated approval pathway is commonly used for approval of oncology drugs due to the serious and life-threatening nature of cancer. Although single-arm trials have been commonly used to support accelerated approval, a randomized controlled trial is the preferred approach as it provides a more robust efficacy and safety assessment and allows for direct comparisons to an available therapy. This guidance describes considerations for designing, conducting, and analyzing data for trials intended to support accelerated approvals of oncology therapeutics.

DATES: Submit either electronic or written comments on the draft guidance by May 26, 2023 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–0110 for ''Clinical Trial Considerations to Support Accelerated Approval of Oncology Therapeutics.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food

and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Lola Fashoyin-Aje, Oncology Center of Excellence, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2352, Silver Spring, MD 20993, 240–402–0205; or Diane Maloney, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7242, Silver Spring, MD 20993, 240–402–8113.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Clinical Trial Considerations to Support Accelerated Approval of Oncology Therapeutics.'' The purpose of this guidance is to provide recommendations to sponsors of anti-cancer drugs or biological products on considerations for designing trials intended to support accelerated approval. The accelerated approval pathway is commonly used for approval of oncology drugs in part due to the serious and life-threatening nature of cancer and because of available surrogate or intermediate clinical endpoints considered reasonably likely to predict clinical benefit. Single-arm trial designs and response rate endpoints (with duration of response as supportive) have most commonly been used in oncology because response rate is a marker of drug activity since malignant tumors do not typically regress on their own, and response rate can be interpreted in single-arm trials for monotherapy drug regimens. However, there are limitations to the use of single-arm trials in support of accelerated approval, including but not limited to: small safety datasets, low magnitude response rates that may not be reasonably likely to predict clinical benefit, and the inability to establish differential contribution of effect for combination regimens. Additionally, the reliance on cross-trial comparisons to historical trials to assess whether the observed treatment effect represents an improvement over available therapy is challenging. These limitations add uncertainty to the assessment of the safety and/or effectiveness of a drug such that accelerated approval based on a single-arm trial may not be justified in a given clinical setting.

Given the limitations of single-arm trials, FDA considers a randomized controlled trial to be the most appropriate trial design to support accelerated approval of oncology drugs. When properly designed and executed, a randomized controlled trial provides a more robust efficacy and safety assessment and allows for direct comparisons to a concurrent control arm. Sponsors can, as appropriate, elect to conduct a single randomized controlled trial to support an accelerated approval and to verify clinical benefit (*i.e.,* follow the ''one-trial'' approach), or they can conduct separate trials—one to support the accelerated approval and another, a confirmatory trial, to verify clinical benefit. The ''one-trial'' approach maintains efficiency in drug development by providing early access to an investigational drug using the accelerated approval pathway, while ensuring that a postmarketing trial is fully accrued and well underway to verify longer term benefit in a timely fashion.

This guidance describes considerations for designing, conducting, and analyzing data for trials intended to support accelerated approval of oncology drugs. Specifically, the guidance provides recommendations addressing the design, conduct, and analyses of data for either two separate randomized controlled trials or for using the ''one-trial'' approach for accelerated approval. The guidance also provides recommendations for designing, conducting, and analyzing data from a single-arm trial intended to support accelerated approval (when appropriate), and the considerations for determining whether the data may be adequate for this purpose. Regardless of the approach under consideration, FDA recommends early discussion before study initiation and during trials, as appropriate.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Clinical Trial Considerations to Support Accelerated Approval of Oncology Therapeutics.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: March 17, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–05910 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–1027]

Questions and Answers About Dietary Guidance Statements in Food Labeling: Draft Guidance for Industry; Availability; Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled ''Questions and Answers About Dietary Guidance Statements in Food Labeling:

Draft Guidance for Industry.'' The draft guidance, when finalized, will provide FDA's current thinking on the use of Dietary Guidance Statements on packaged food labels and more broadly in the labeling of foods, including any written, printed, or graphic material accompanying a food, such as labeling on websites. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by June 26, 2023 to ensure that we consider your comment on the draft guidance before we begin work on the final version of the guidance. Submit electronic or written comments on the proposed collection of information in the draft guidance by June 26, 2023.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–1027 for ''Questions and Answers About Dietary Guidance Statements in Food Labeling: Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Office of Nutrition and Food Labeling, Food Labeling and Standards Staff, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: *With regard to the draft guidance:* Blakeley Fitzpatrick, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1450 or Denise See, Center for Food Safety and Applied Nutrition, Office of Regulations and Policy (HFS–024), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

With regard to the proposed collection of information: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''Questions and Answers About Dietary Guidance Statements in Food Labeling: Draft Guidance for Industry.'' We are issuing this draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the applicable statutes and regulations.

FDA seeks to improve dietary patterns in the United States to help reduce the burden of nutrition-related chronic diseases and advance health equity. We are committed to accomplishing this by promoting healthy starts through improved maternal, infant, and child health, creating a healthier food supply for all, and empowering consumers with more informative and accessible labeling to choose healthier diets. One key component of this work focuses on claims and nutrition-related statements, such as Dietary Guidance Statements, on food labeling. Claims and Dietary Guidance Statements act as quick signals on the front of the package to help consumers, particularly consumers with lower nutrition or health literacy, better understand nutrition information. They also can encourage industry to reformulate products to create healthier options that consumers seek.

On July 26, 2018, we held a public meeting where we sought input on the

Agency's Nutrition Innovation Strategy (public meeting). Among other things, we sought input on: (1) what types of claims or other nutrition-related labeling statements are most helpful in facilitating product innovation to promote healthful eating patterns and (2) what types of claims and other labeling statements are most helpful to consumers in selecting foods consistent with recommendations in the ''Dietary Guidelines for Americans'' (Dietary Guidelines) (Ref. 1). The comments we received during the public meeting and to the public meeting docket (Docket No. FDA–2018–N–2381) from a variety of stakeholders, including industry, consumers, trade associations, and consumer groups, on the use of food labeling claims and statements demonstrated that there is a clear interest in labeling claims, statements, symbols, and vignettes that will allow consumers to determine how foods and food groups can contribute to nutritious dietary patterns. We considered those comments in the development of this draft guidance.

After the public meeting, we revisited prior work we had undertaken on the use of statements in food labeling that would signal to consumers how foods and food groups can contribute to nutritious dietary patterns that also informed the development of this draft guidance. For example, in December 2002, we announced our Consumer Health Information for Better Nutrition Initiative. The purpose of this initiative was to make available more and better information about conventional foods and dietary supplements to help consumers improve their health and decrease the risk of diet-related diseases by making sound dietary decisions. As part of this initiative, we established the Task Force on Consumer Health Information for Better Nutrition (the Task Force). The Task Force recommended that FDA seek opportunities to promote the development and use of Dietary Guidance Statements in food labeling to assist consumers to make better food choices and to establish healthier eating patterns. To further the goals of the Consumer Health Information for Better Nutrition Initiative, on November 25, 2003, we published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (68 FR 66040) requesting comment on, among other things, the use of Dietary Guidance Statements in food labeling. Although the ANPRM also discussed various issues regarding health claims in the labeling of conventional foods and dietary supplements, this guidance document addresses only Dietary Guidance Statements used in the labeling of conventional foods because Dietary Guidance Statements are based on key or principal recommendations from consensus reports, and current consensus report recommendations encourage Americans to meet nutrient requirements through the consumption of whole foods (*e.g.,* fruits and vegetables).

We received 18 comments on the ANPRM from industry, trade associations, health professional organizations, consumer groups, and a Federal government agency in response to the ANPRM. Nutrition science has evolved as well as our thinking on Dietary Guidance Statements since we issued the ANPRM, so some comments we received on Dietary Guidance Statements are not relevant to the draft guidance. We considered the relevant comments in the development of this draft guidance.

Consistent with current nutrition science, we are working on multiple ways we can modernize our approach to claims and nutrition-related statements that focus on helping consumers understand which foods and food groups can contribute to a nutritious dietary pattern. The use of Dietary Guidance Statements (*e.g.,* fruits and vegetables are part of a nutritious dietary pattern) in food labeling is one such tool to provide consumers with information to further this understanding. To provide another tool to assist consumers in making informed choices that are consistent with a healthy dietary pattern, we are working on updating the definition for the implied nutrient content claim ''healthy.'' In the **Federal Register** of September 29, 2022, we issued a proposed rule entitled ''Food Labeling: Nutrient Content Claims; Definition of Term 'Healthy'.'' The proposed regulation, when finalized, would update the definition for the implied nutrient content claim ''healthy'' to specify when the claim can be used on human food products. The definition would revise the requirements for foods that can bear the claim. Consistent with the advances in nutrition science and evolution of dietary guidance, specifically the Dietary Guidelines for Americans, 2020–2025 (Dietary Guidelines, 2020–2025) (Ref. 2), the proposed framework for the updated definition of the ''healthy'' claim uses a food group-based approach in addition to nutrients to limit. The proposed, updated ''healthy'' claim criteria emphasize healthy dietary patterns by requiring that food products contain a certain amount of food from at least one of the food groups or subgroups recommended by the Dietary Guidelines, 2020–2025. The proposed regulation would also require a food product to be limited in certain nutrients, including saturated fat, sodium, and added sugars. The proposed rule would also add certain recordkeeping requirements for foods bearing the claim where compliance cannot be verified through information on the product label.

The Dietary Guidelines is developed jointly by the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS) and provides recommendations on healthy eating and the consumption of foods from various food groups, as well as the intake of specific macronutrients, such as saturated fats and added sugars, and micronutrients such as vitamins and minerals. They are developed every 5 years and are informed by the recommendations of a panel of experts called the Dietary Guidelines Advisory Committee. The Dietary Guidelines is based on the preponderance of current scientific and medical knowledge, and they currently provide Federal recommendations for healthy dietary patterns for Americans. They serve as the foundation for Federal nutrition policy. Although the Dietary Guidelines is issued every 5 years, and while the emphasis on dietary patterns has evolved, the underlying recommendations have largely remained consistent since the first edition was released in 1980, such as limiting intake of saturated fat, sodium, and sugars, and consuming foods with adequate amounts of fiber (Ref. 1). The Dietary Guidelines is designed for nutrition and health professionals to help all individuals and their families consume a healthy, nutritionally adequate diet. The Dietary Guidelines is the foundation of Federal nutrition guidance and are intended to inform policymakers when they implement Federal policies and programs related to food, nutrition, and health. The Dietary Guidelines, in addition to other consensus reports and scientific information, helps FDA to shape regulations on nutrition-related claims and other information that is permitted on a food label.

The Dietary Guidelines, 2020–2025 includes recommended amounts of food from food groups found in three different healthy dietary patterns: the Healthy U.S.-Style Dietary Pattern, the Healthy Mediterranean-Style Dietary Pattern, and the Healthy Vegetarian Dietary Pattern (Ref. 2). All three healthy dietary patterns provide intake

recommendations for the following food groups: vegetables, fruits, grains, dairy, protein foods, as well as oils. (The Dietary Guidelines, 2020–2025 does not refer to oils as a ''food group,'' but it emphasizes oils as part of a healthy dietary pattern. In the draft guidance, we refer to oils as a food group). We have used information from the Healthy U.S.-Style Dietary Patterns when developing recommendations for the amount of the food or category of food that is the subject of the statement that a product should contain if it bears a Dietary Guidance Statement (referred to as meaningful amounts or food group equivalents). We have also based our recommendations for the amount of sodium, saturated fat, and added sugars that a product should not exceed if it bears a Dietary Guidance Statement on key recommendations from the Dietary Guidelines, 2020–2025.

This draft guidance provides recommendations on how and when manufacturers should use key or principal recommendations from consensus reports, such as the Dietary Guidelines, as the basis for labeling statements that represent or suggest that an individual food or food group may contribute to or help maintain nutritious dietary patterns. We consider these types of labeling statements to be ''Dietary Guidance Statements.'' The draft guidance defines Dietary Guidance Statements and provides information to help industry determine how they may use Dietary Guidance Statements to make consumers aware of how their product contributes to a nutritious dietary pattern. In addition, we provide recommendations for the source of the Dietary Guidance Statement, the amount of the food or food group that is the subject of the statement that a product should contain (''meaningful amount'' or ''food group equivalent'') if it bears a Dietary Guidance Statement, and the amount of sodium, saturated fat, and added sugars that a product should not exceed if it bears a Dietary Guidance Statement. These recommendations are based upon current nutrition science and dietary recommendations, such as the Dietary Guidelines, 2020–2025 (Ref. 2). While our draft guidance encourages the consumption of whole grains consistent with nutrition science and Federal dietary guidance, we request comment on the use of Dietary Guidance Statements on refined grains that are staples of cultural cuisines that are not high in added sugars, saturated fat, and sodium. In addition, while our draft guidance provides recommendations for how to calculate ''meaningful amounts'' or ''food group equivalents'' of a food or food group that is the subject of the Dietary Guidance Statement, we request comment on other possible options to help ensure products bearing Dietary Guidance Statements contain meaningful amounts of recommended foods or food groups so that consumers can be assured that the product bearing the statement contributes to a nutritious dietary pattern, when consumed. Further, as discussed in the draft guidance, in situations when a food is recommended by a consensus report as part of a nutritious dietary pattern and the food has a nutrient profile that exceeds the recommended nutrient levels set forth in the guidance, we continue to find it appropriate for such a product to bear a Dietary Guidance Statement. However, when products exceed a recommended nutrient level set forth in the guidance, we recommend that these products bear a disclosure statement about the recommended nutrient level(s) it exceeds. We are seeking comment on the disclosure statement recommendations. Lastly, we are seeking comment on whether we should include recommendations in this guidance for the use of dietary guidance statements on bottles or containers of plain water and other calorie-free beverages (*e.g.,* flavored carbonated water, coffee, and tea).

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Questions and Answers About Dietary Guidance Statements in Food Labeling: Draft Guidance for Industry

OMB Control Number 0910–0381

This draft guidance provides recommendations on how and when manufacturers may use Dietary Guidance Statements for labeling statements that represent or suggest that an individual food or food group may contribute to or help maintain nutritious dietary patterns. The draft guidance provides information to help industry determine how they may use Dietary Guidance Statements in labeling to make consumers aware of how their product contributes to a nutritious dietary pattern. As an option, the draft guidance provides recommendations for a product that may include a statement on its label near or adjacent to the Dietary Guidance Statement that tells consumers the amount of the food or food group that is the subject of the Dietary Guidance Statement present in one serving of the product (also known as ''Food Group Equivalent Statements''). In addition, for foods that exceed a recommended nutrient level set forth in this guidance, the draft guidance provides recommendations that these products bear a disclosure statement about the recommended nutrient level(s) it exceeds.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED THIRD-PARTY DISCLOSURE BURDEN

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours	Total capital costs [1] [2]
Labeling following recommendations in "Questions and Answers About Dietary Guidance Statements in Food Labeling"	556	4	2,224	1	2,224	$3,422,736

[1] One time relabeling costs.
[2] There are no operating and maintenance costs associated with this collection of information.

The estimates in table 1 are based on our experience with similar labeling programs. We estimate that each year 556 manufacturers will relabel their products following recommendations found in the draft guidance. This estimate assumes manufacturers will remove Dietary Guidance Statements from their labels following recommendations in the draft guidance, as well as those that will add Dietary Guidance Statements to their labels. We estimate that each manufacturer will relabel 4 products for 2,224 total annual disclosures (556 manufacturers × 4 labels). Each disclosure will take an estimated 1 hour to complete for an annual third-party disclosure burden of 2,224 hours (2,224 disclosures × 1 hour). We estimate that there will be an annual capital cost of $3,422,736 associated with relabeling. This is the cost of designing a revised label and incorporating it into the manufacturing process. We believe that this will be a one-time burden.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/FoodGuidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.* Use the FDA website listed in the previous sentence to find the most current version of the guidance.

IV. References

The following references are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. HHS and USDA. 1980 Dietary Guidelines for Americans. February 1980. Available at: *https://health.gov/dietaryguidelines/1980.asp.*
2. HHS and USDA. Dietary Guidelines for Americans, 2020–2025. 9th Edition. December 2020. Available at: *https://www.dietaryguidelines.gov/.*

Dated: March 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06304 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2021–D–1118 and FDA–2020–D–1138]

Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency; Guidance for Industry, Other Stakeholders, and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency.'' FDA recognizes that it will take time for device manufacturers, device distributors, healthcare facilities, healthcare providers, patients, consumers, and FDA to adjust from policies adopted and operations implemented during the COVID–19 public health emergency (PHE) to ''normal operations.'' To provide a clear policy for all stakeholders and FDA staff, the Agency is issuing this guidance to describe FDA's general recommendations for a phased transition process with respect to devices that fall within certain enforcement policies issued during the COVID–19 PHE declared by the Secretary of Health and Human Services (the Secretary) under the Public Health Service Act (PHS Act), including recommendations regarding submitting a marketing submission, as applicable, and taking other actions with respect to these devices. This guidance applies to devices that fall within enforcement policies in guidances included in List 1 of this guidance. The phased transition process outlined in this guidance will begin on the ''implementation date.'' The implementation date is the day the PHE expires or 45 days after the finalization of this guidance, whichever comes later. Because the COVID–19 section 319 PHE declaration is anticipated to expire at least 45 days after the finalization of this guidance, or May 11, 2023, the implementation date is that date. The guidances in List 1 of this guidance will no longer be in effect after the 180-day transition period ends.

DATES: The announcement of the guidance is published in the **Federal Register** on March 27, 2023.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–1118 for ''Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency'' or the Docket No. FDA–2020–D–1138 for ''Center for Devices and Radiological Health (CDRH): COVID–19.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Ryan Ortega, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4618, Silver Spring, MD 20993–0002, 240–402–2303.

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 2020, the Secretary issued a declaration of a PHE related to COVID–19 in accordance with section 319 of the PHS Act (section 319PHE) (42 U.S.C. 247d) and mobilized the Operating Divisions of the Department of Health and Human Services (HHS).[1] FDA issued various guidance documents that describe enforcement policies for certain devices that are intended to support the emergency response to the COVID–19 pandemic.

Given the magnitude of the response to the COVID–19 pandemic, FDA recognizes that a phased approach may help to facilitate an orderly and transparent transition to normal operations. The Agency is issuing this guidance to describe FDA's general recommendations for a phased transition process with respect to devices that fall within certain enforcement policies issued during the COVID–19 PHE, including recommendations regarding submitting a marketing submission, as applicable, and taking other actions with respect to these devices. This guidance applies to devices that fall within the enforcement policies described in List 1 of the guidance. FDA is concurrently issuing a companion transition guidance to describe FDA's recommendations for devices issued Emergency Use Authorizations related to COVID–19.

As described in this guidance, a 180-day transition period will begin on the implementation date. The implementation date is the date the COVID–19 section 319 PHE expires or 45 days after the finalization of this guidance, whichever comes later. Because the COVID–19 section 319 PHE declaration is anticipated to expire at least 45 days after the finalization of this guidance, or on May 11, 2023, the implementation date is that date. FDA believes the phased approach over the course of 180 days following the implementation date as set forth in this guidance can help foster compliance with applicable legal requirements once the relevant enforcement policies are no longer in effect.

A notice of availability of the draft guidance appeared in the **Federal Register** of December 23, 2021 (86 FR 72973). FDA considered comments received and revised the guidance as appropriate in response to the comments, including providing clarity on the recommendations regarding physical and/or electronic copies of updated labeling, and adding clarifications regarding use of real-world evidence in marketing submissions, interactions with FDA, collaboration with stakeholders on the transition process, and revisions to example scenarios.

[1] Secretary of HHS, Determination That a Public Health Emergency Exists (hereinafter referred to as ''section 319 PHE declaration'') (originally issued on January 31, 2020, and subsequently renewed), available at *https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx.* On February 9, 2023, the Secretary renewed the section 319 PHE declaration related to COVID–19, effective February 11, 2023. The section 319 PHE declaration related to COVID–19 is anticipated to expire at the end of the day on May 11, 2023. See the HHS ''Fact Sheet: COVID–19 Public Health Emergency Transition Roadmap,'' (February 9, 2023), available at *https://www.hhs.gov/about/news/2023/02/09/fact-sheet-covid-19-public-health-emergency-transition-roadmap.html.*

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Guidances Identified in List 1 of This Guidance

As part of FDA's commitment to support continuity and response efforts to the COVID–19 pandemic, the transition plan outlined in this guidance takes into account that the guidances in List 1 of this guidance will no longer be in effect after the 180-day transition period ends, or after November 7, 2023.

Generally, the guidances that set forth COVID–19-related enforcement policies for certain devices initially stated that they were intended to remain in effect only for the duration of the section 319 PHE declaration. As FDA announced in the **Federal Register** on March 13, 2023,[2] many of these guidance documents—the guidances in List 1—have been revised to state that they are intended to continue in effect for 180 days after the section 319 PHE declaration expires unless a different intended duration is set forth in the finalized version of this guidance. A different intended duration is not being set forth in this guidance. The implementation date is the date the section 319 PHE declaration expires, and the guidances are intended to continue in effect for 180 days after that date.

In finalizing this guidance, FDA added the following guidances to List 1: ''Enforcement Policy for Viral Transport Media During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency (Revised)'' [3] and ''Enforcement Policy for Face Shields, Surgical Masks, and Respirators During the Coronavirus Disease (COVID–19) Public Health Emergency.'' [4] These guidances were added to help facilitate an appropriate transition period for these devices away from the policies adopted and operations implemented during the COVID–19 PHE to normal operations. FDA removed the following guidances from List 1: ''Enforcement Policy for the Quality Standards of the Mammography Quality Standards Act During the COVID–19 Public Health Emergency,'' [5] ''Enforcement Policy for Non-Invasive Remote Monitoring Devices Used to Support Patient Monitoring During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency (Revised),'' [6] ''Enforcement Policy for Face Masks and Barrier Face Coverings During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency,'' [7] [8] and ''Enforcement Policy for Clinical Electronic Thermometers During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency.'' [9] FDA has removed these guidances from List 1 because: (1) the policy in the guidance should not continue in effect beyond the expiration of the COVID–19 PHE or (2) the guidance was extended beyond the expiration of the COVID–19 PHE and FDA intends to retain the policy with appropriate changes. See the **Federal Register** notice entitled ''Guidance Documents Related to Coronavirus Disease 2019 (COVID–19).'' [10]

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Transition Plan for Medical Devices That Fall Within Enforcement Policies Issued During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number GUI00021011 and complete title to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved FDA collections of information. These collections of information are subject to review by Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the table below.

This guidance also contains new collections of information not approved under a current collection. These new collections of information have been granted a PHE waiver from the PRA by HHS on March 19, 2020, under section 319(f) of the PHS Act. Information concerning the PHE PRA waiver can be found on the HHS website at *https://aspe.hhs.gov/public-health-emergency-declaration-pra-waivers.*

[2] See ''Guidance Documents Related to Coronavirus Disease 2019 (COVID–19)'' (88 FR 15417), available at *https://www.federalregister.gov/documents/2023/03/13/2023-05094/guidance-documents-related-to-coronavirus-disease-2019-covid-19.*

[3] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-viral-transport-media-during-coronavirus-disease-2019-covid-19-public-health.*

[4] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-face-shields-surgical-masks-and-respirators-during-coronavirus-disease-covid-19.* Bifurcation of the ''Enforcement Policy for Face Masks, Barrier Face Coverings, Face Shields, Surgical Masks, and Respirators During the COVID–19 Public Health Emergency (Revised)'' guidance was announced in the **Federal Register** notice on March 13, 2023. The guidance relating to face shields, surgical masks, and respirators is on List 1, and the guidance related to face masks and barrier face coverings, as noted below, is outside the scope of this guidance.

[5] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-quality-standards-mammography-quality-standards-act-during-covid-19-public-health.*

[6] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-non-invasive-remote-monitoring-devices-used-support-patient-monitoring-during.*

[7] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-face-masks-and-barrier-face-coverings-during-coronavirus-disease-covid-19-public.*

[8] See footnote 4.

[9] Available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/enforcement-policy-clinical-electronic-thermometers-during-coronavirus-disease-2019-covid-19-public.*

[10] See footnote 2.

21 CFR part	Another guidance referenced in this guidance	OMB control No.	New collection covered by PHE PRA waiver
	"Emergency Use Authorization of Medical Products and Related Authorities; Guidance for Industry and Other Stakeholders".	0910–0595	
	"Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program Guidance for Industry and Food and Drug Administration Staff".	0910–0756	
800, 801, and 809		0910–0485	
803		0910–0437	
806		0910–0359	
807, subparts A through D		0910–0625	
807, subpart E		0910–0120	
812		0910–0078	
814, subparts A through E		0910–0231	
814, subpart H		0910–0332	
820		0910–0073	
830 and 801.20		0910–0720	
860, subpart D		0910–0844	
			Notification of Intent.
			Transition Implementation Plan.
			Labeling Mitigation for Certain Reusable Devices.

Dated: March 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06291 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–1007]

Over-the-Counter Monograph Drug User Fee Rates for Fiscal Year 2023

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the fee rates under the over-the-counter (OTC) monograph drug user fee program (OMUFA) for fiscal year (FY) 2023. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to assess and collect user fees from qualifying manufacturers of OTC monograph drugs and submitters of OTC monograph order requests. This notice publishes the OMUFA fee rates for FY 2023.

DATES: These fees are effective on October 1, 2022, and will remain in effect through September 30, 2023.

FOR FURTHER INFORMATION CONTACT: Brandon Lee, Mitra Ramson, and the User Fees Support Staff, Office of Financial Management, Food and Drug Administration, 4041 Powder Mill Rd., Rm. 61075, Beltsville, MD 20705–4304, *OO-OFBAP-OFM-UFSS-Government@fda.hhs.gov,* 202–510–1643.

SUPPLEMENTARY INFORMATION:

I. Background

Section 744M of the FD&C Act (21 U.S.C. 379j–72), as added by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), authorizes FDA to assess and collect: (1) facility fees from qualifying owners of OTC monograph drug facilities and (2) fees from submitters of qualifying OTC monograph order requests. These fees are to support FDA's OTC monograph drug activities, which are detailed in section 744L(6) of the FD&C Act (21 U.S.C. 379j–71(6)) and include various FDA activities associated with OTC monograph drugs and inspection of facilities associated with such products.

For OMUFA purposes:

- An OTC monograph drug is a nonprescription drug without an approved new drug application that is governed by the provisions of section 505G of the FD&C Act (21 U.S.C. 355h) (see section 744L(5) of the FD&C Act);
- An OTC monograph drug facility (MDF) is a foreign or domestic business or other entity that, in addition to meeting other criteria, is engaged in manufacturing or processing the finished dosage form of an OTC monograph drug (see section 744L(10) of the FD&C Act);
- A contract manufacturing organization (CMO) facility is an OTC monograph drug facility where neither the owner nor any affiliate of the owner or facility sells the OTC monograph drug produced at such facility directly to wholesalers, retailers, or consumers in the United States (see section 744L(2) of the FD&C Act); and
- An OTC monograph order request (OMOR) is a request for an administrative order, with respect to an OTC monograph drug, which is submitted under section 505G(b)(5) of the FD&C Act (see section 744L(7) of the FD&C Act).

Under section 744M(a)(1)(A) of the FD&C Act, a facility fee for FY 2023 shall be assessed with respect to each facility that is identified as an OTC monograph drug facility during the fee-liable period from January 1, 2022, through December 31, 2022.[1] Consistent with the statute, FDA will assess and collect facility fees with respect to the two types of OTC monograph drug facilities—MDF and CMO facilities. A full facility fee will be assessed to each qualifying person that owns a facility identified as an MDF (see section 744M(a)(1)(A) of the FD&C Act), and a reduced facility fee of two-thirds will be assessed to each qualifying person that owns a facility identified as a CMO facility (see section 744M(a)(1)(B)(ii) of the FD&C Act). The facility fees for FY 2023 are due on June 1, 2023 (see section 744M(a)(1)(D)(ii) of the FD&C Act).[2]

[1] Under section 744M(a)(1) of the FD&C Act, "Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year or at any time during the preceding 12-month period shall be assessed an annual fee for each such facility". For purposes of FY 2023 facility fees, that time period is January 1, 2022, through December 31, 2022.

[2] Assuming that, as we anticipate, the FY 2023 fee appropriation will occur prior to June 1, 2023. Under section 744M(a)(1)(D)(ii), the FY 2023 facility fees are due on the later of: (1) the first business day of June 2023 (*i.e.,* June 1, 2023) or (2)

As discussed in greater detail below:

- OTC monograph drug facilities are exempt from FY 2023 facility fees if they had ceased OTC monograph drug activities, and updated their registration with FDA to that effect, prior to December 31, 2021 (see section 744M(a)(1)(B)(i) of the FD&C Act).
- Entities that registered with FDA during the Coronavirus Disease 2019 (COVID–19) pandemic whose sole activity with respect to OTC monograph drugs during the pandemic consists (or had consisted) of manufacturing OTC hand sanitizer products [3] are not identified as OTC monograph drug facilities subject to OMUFA facility fees.[4]

In addition to facility fees, the Agency is authorized to assess and collect fees from submitters of OMORs, except for OMORs that request certain safety-related changes (as discussed below). There are two levels of OMOR fees, based on whether the OMOR at issue is a Tier 1 or Tier 2 OMOR.[5]

For FY 2023, the OMUFA fee rates are: Tier 1 OMOR fees ($517,381), Tier 2 OMOR fees ($103,476), MDF facility fees ($26,153), and CMO facility fees ($17,435). These fees are effective for the period from October 1, 2022, through September 30, 2023.[6] This document is issued pursuant to section 744M(a)(4) and 744M(c)(4)(B) of the FD&C Act and describes the calculations used to set the OMUFA facility fees and OMOR fees for FY 2023 in accordance with the directives in the statute.

II. Facility Fee Revenue Amount for FY 2023

A. Base Fee Revenue Amount

Under OMUFA, FDA sets annual facility fees to generate the total facility fee revenues for each fiscal year established by section 744M(b) of the FD&C Act. The yearly base revenue amount is the starting point for setting annual facility fee rates. The base revenue for FY 2023 is the dollar amount of the total revenue amount for the previous fiscal year, without certain adjustments made for that previous year, and is $15,112,328 (see section 744M(b)(3)(B) of the FD&C Act).

B. Fee Revenue Adjustment for Inflation

Under OMUFA, the annual base revenue amount for facility fees is adjusted for inflation for FY 2023 and each subsequent fiscal year (see section 744M(c)(1) of the FD&C Act). That provision states that the dollar amount of the inflation adjustment is equal to the product of the annual base revenue for the fiscal year and the inflation adjustment percentage. For each of FYs 2022 and 2023, the inflation adjustment percentage is equal to the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data (section 744M(c)(1)(C) of the FD&C Act). As a result of a geographical revision made by the Bureau of Labor and Statistics in January 2018, the ''Washington, DC-Baltimore'' index was discontinued and replaced with two separate indices (*i.e.,* the ''Washington-Arlington-Alexandria'' and ''Baltimore-Columbia-Towson'' indices). To continue applying a CPI that best reflects the geographic region in which FDA is located and that provides the most current data available, the ''Washington-Arlington-Alexandria'' index is used in calculating the inflation adjustment percentage. Table 1 provides the summary data for the percent changes in the specified CPI for the Washington-Arlington-Alexandria, DC-VA-MD-WV. The data are published by the Bureau of Labor Statistics on its website: *https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS35ASA0, CUUSS35ASA0.*

TABLE 1—ANNUAL AND 3-YEAR AVERAGE PERCENT CHANGE IN CPI FOR WASHINGTON-ARLINGTON-ALEXANDRIA, DC–VA–MD–WV AREA

Year	2019	2020	2021	3-Year average
Annual CPI	264.78	267.16	277.73	.....
Annual Percent Change	1.2745%	0.8989%	3.9568%	2.0434%

Pursuant to the statute, the FY 2023 base revenue of $15,112,328 is increased by 2.0434 percent, yielding an inflation adjusted base revenue amount of $15,421,133 for FY 2023 (see section 744M(c)(1)(A)).

C. Additional Dollar Amounts

For FY 2023, the inflation adjusted revenue amount of $15,421,133 is increased by an additional dollar amount of $6 million as specified in the statute (see section 744M(b)(2)(E) of the FD&C Act). This yields an adjusted fee revenue subtotal of $21,421,133.

D. Fee Revenue Adjustment for Additional Direct Cost

Fee revenue is further adjusted for additional direct costs as specified in the statute. In FY 2023, $4 million is added to the facility fee revenues to account for additional direct costs (see section 744M(c)(3)(B) of the FD&C Act). Adding the additional direct costs amount of $4 million to $21,421,133 yields an additional direct cost adjusted fee revenue of $25,421,133.

E. Fee Revenue Adjustment for Operating Reserve

Under OMUFA, FDA may further increase the FY 2023 facility fee revenue and fees if such an adjustment is necessary to provide up to 10 weeks of operating reserves of carryover user fees for OTC monograph drug activities (see section 744M(c)(2)(B) of the FD&C Act). Accordingly, in setting fees for FY 2023, the Agency must estimate its carryover for FY 2023 to ensure the Agency has sufficient carryover to continue its OTC monograph drug activities, as required under the statute, including an

the first business day after the enactment of an appropriations Act providing for the collection and obligation of FY 2023 OMUFA fees.

[3] The term ''hand sanitizer'' commonly refers to consumer antiseptic rubs. However, because the Health and Human Services (HHS) notice published January 12, 2021, referred to ''persons that entered the over-the-counter drug market to supply hand sanitizer products in response to the COVID–19 Public Health Emergency'' (86 FR 2420, *https:www.federalregister.gov/documents/2021/01/12/2021-00237/notice-that-persons-that-entered-the-over-the-counter-drug-market-to-supply-hand-sanitizer-during*), we are using the same terminology—''hand sanitizer products''—to refer to OTC monograph drug products intended for use (without water) as antiseptic hand rubs or antiseptic hand wipes by consumers or healthcare personnel.

[4] See HHS **Federal Register** notice of January 12, 2021, 86 FR 2420, *https://www.federalregister.gov/documents/2021/01/12/2021-00237/notice-that-persons-that-entered-the-over-the-counter-drug-market-to-supply-hand-sanitizer-during.*

[5] Under OMUFA, a Tier 1 OMOR is defined as any OMOR that is not a Tier 2 OMOR (see section 744L(8) of the FD&C Act). Tier 2 OMORs are detailed in section 744L(9) of the FD&C Act.

[6] These OMUFA fees are for FY 2023, per section 744M(a) of the FD&C Act.

operating reserve to mitigate certain financial risks, such as under collections, unanticipated surges in program costs, or a lapse in appropriations. Under the statute, if FDA has carryover for OTC monograph drug activities that would exceed 10 weeks of such operating reserves, FDA is required to decrease FY 2023 fee revenues and fees to provide for not more than 10 weeks of operating reserves of carryover user fees (see section 744M(c)(2)(C) of the FD&C Act).

Per the statute, OMUFA facility fees are not due until the third quarter of each fiscal year (*i.e.,* the first business day in June). To address this timing of facility fee collections for late in the fiscal year, the Agency must set aside additional carryover, beyond that for an operating reserve, to sustain the Agency's OTC monograph drug activities until the facility fees for the subsequent fiscal year are due and payable on the first business day in June (*i.e.,* June 3, 2024). Thus, the Agency will require FY 2023 carryover sufficient to cover payroll and operating expenses for the first 8 months (*i.e.,* 35 weeks rounded) of the following fiscal year (*i.e.,* October 1, 2023, to May 31, 2024).

To determine the carryover needed, the Agency starts with the additional direct cost adjusted fee revenue of $25,421,133 (calculated in section D), divides it by 52 to yield a weekly operating amount of $488,868, and then multiplies the weekly operating amount by 35. Based on this calculation, FDA requires $17,110,378 to support the program until the FY 2024 fees are due. After running analyses on the projected collections and obligations for FY 2023, including accounting for possible financial risks described above, FDA estimates the FY 2023 carryover to be $17,113,657 which is the approximate amount required to support the program through the 35-week period.

Therefore, FDA is not applying an operating reserve adjustment for FY 2023. As a result of the above calculations, the final FY 2023 OMUFA target facility fee revenue is $25,421,000 (rounded to the nearest thousand dollars).

III. Determination of FY 2023 OMOR Fees

Under OMUFA, the FY 2023 Tier 1 OMOR fee is $517,381 and the Tier 2 OMOR fee is $103,476 (see section 744M(a)(2)(A)(i) and (ii) of the FD&C Act, respectively) including an adjustment for inflation. OMOR fees are not included in the OMUFA target revenue calculation, which is based on the facility fees (see section 744M(b)(1) of the FD&C Act).

An OMOR fee is generally assessed to each person who submits an OMOR (see section 744M(a)(2)(A) of the FD&C Act). OMOR fees are due on the date of the submission of the OMOR (see section 744M(a)(2)(B) of the FD&C Act). The payor should submit the OMOR fee that applies to the type of OMOR they are submitting (*i.e.,* Tier 1 or Tier 2). FDA will determine whether the appropriate OMOR fee has been submitted following receipt of the OMOR and the fee.

An OMOR fee will not be assessed if the OMOR seeks to make certain safety changes with respect to an OTC monograph drug. Specifically, no fee will be assessed if FDA finds that the OMOR seeks to change the drug facts labeling of an OTC monograph drug in a way that would add to or strengthen: (1) a contraindication, warning, or precaution; (2) a statement about risk associated with misuse or abuse; or (3) an instruction about dosage and administration that is intended to increase the safe use of the OTC monograph drug (see section 744M(a)(2)(C) of the FD&C Act).

IV. Facility Fee Calculations

A. Facility Fee Revenues and Fees

For FY 2023, facility fee rates are being established to generate a total target revenue amount, as determined under the statute, equal to $25,421,000 (rounded to the nearest thousand dollars). FDA used the methodology described below to determine the appropriate number of MDF and CMO facilities to be used in setting the OMUFA facility fees for FY 2023. FDA took into consideration that the CMO facility fee is equal to two-thirds of the amount of the MDF facility fee (see section 744M(a)(1)(B)(ii) of the FD&C Act).

B. Calculating the Number of Qualifying Facilities and Setting the Facility Fees

For FY 2023, FDA utilized data consisting of the number of facilities that were registered in FDA's electronic Drug Registration and Listing System (eDRLS) to manufacture human OTC products produced under a monograph [7] during the FY 2022 fee-liable period (*i.e.,* January 1, 2021, through December 31, 2021) and the number of facilities that paid FY 2022 OMUFA fees, as the primary sources for estimating the number of each facility fee type (*i.e.,* MDF and CMO). In addition, the Agency considered data provided by firms regarding their operation as MDFs and CMOs during FY 2022 (*i.e.,* October 1, 2021, through September 30, 2022) when they were submitting OTC Monograph User Fee Cover Sheets to pay the FY 2022 fee. These data helped FDA estimate the number of firms operating as MDF and CMO facilities during the FY 2023 fee-liable period (*i.e.,* January 1, 2022, through December 31, 2022) [8] and thus informed FDA's calculation of the number and ratio of MDF and CMO facilities used in determining the FY 2023 fee rates. FDA's review of data also reflected input received during the first three quarters of the FY 2023 fee-liable period from facilities whose manufacturing or processing practices meet the definition of fee-eligible OTC monograph drug facilities, to help capture those facilities that are in the market and intend to remain in the market for FY 2023.

Those facilities that only manufacture the active pharmaceutical ingredient of an OTC monograph drug do not meet the definition of an OTC monograph drug facility (see section 744L(10)(A)(i)(II)) of the FD&C Act). Likewise, a facility is not an OTC monograph drug facility if its only manufacturing or processing activities are one or more of the following: (1) production of clinical research supplies; (2) testing; or (3) placement of outer packaging on packages containing multiple products, for such purposes as creating multipacks, when each monograph drug product contained within the overpackaging is already in a final packaged form prior to placement in the outer overpackaging (see section 744L(10)(A)(iii) of the FD&C Act).

Consistent with the January 12, 2021 HHS **Federal Register** notice [9] and FDA's subsequent **Federal Register** notices published on March 26, 2021 and March 16, 2022 announcing the FY

[7] See section 744M(d) of the FD&C Act. OTC monograph drug facilities had selected in the eDRLS the business operation qualifiers of ''manufactures human over-the-counter drug products produced under a monograph'' or ''contract manufacturing for human over-the-counter drug products produced under a monograph'' and indicated at least one of the following business operations: finished dosage form manufacture, label, manufacture, pack, relabel, or repack.

[8] Under section 744M(a)(1) of the FD&C Act, ''Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year *or at any time during the preceding 12-month period* shall be assessed an annual fee for each such facility'' (emphasis added).

[9] See 86 FR 2420, *https://www.federalregister.gov/documents/2021/01/12/2021-00237/notice-that-persons-that-entered-the-over-the-counter-drug-market-to-supply-hand-sanitizer-during.*

[10] See 86 FR 16223, *https://www.federalregister.gov/documents/2021/03/26/2021-06361/fee-rates-under-the-over-the-counter-monograph-drug-user-fee-program-for-fiscal-year-2021.*

2021 and FY 2022 OMUFA fees (respectively),[10] [11] facilities are not identified as an ''OTC monograph drug facility'' and will not be assessed a FY 2023 OMUFA facility fee if they: (1) were not registered with FDA as OTC drug manufacturers prior to the HHS declaration of the COVID–19 public health emergency on January 27, 2020; [12] (2) registered with FDA on or after the declaration of the COVID–19 public health emergency; and (3) registered for the sole purpose of producing hand sanitizer products during the COVID–19 public health emergency. We note, however, that under the FD&C Act, whether an entity is subject to OMUFA fees has no bearing on whether the entity or the entity's products are subject to other requirements under the FD&C Act. FDA will continue to use its regulatory compliance and enforcement tools to protect consumers, including from potentially dangerous or subpotent hand sanitizers.

In undertaking the statutorily directed fee calculations, the Agency also made certain assumptions, including that: (1) facilities using expired Structured Product Labeling (SPL) codes in eDRLS, that did not reregister for calendar year 2023, were no longer manufacturing and marketing OTC monograph drugs; (2) facilities that have deregistered in eDRLS have exited the market; (3) facilities that FDA believes registered incorrectly as OTC monograph drug facilities (for example, because the associated drug listings for these facilities did not include OTC monograph drugs but instead indicated such products as OTC drug products under an approved drug application or OTC animal drug products) were not engaged in manufacturing or processing the finished dosage form of an OTC monograph drug; (4) facilities that registered but did not have an active OTC monograph drug product listing associated in their registration profile were not manufacturing or processing such drug products; and (5) facilities that, at the close of FY 2022, remain on the arrears list for failure to satisfy the FY 2021 or FY 2022 facility fee are likely to be placed on the FY 2023 arrears list as well.

Based on the above-referenced factors and assumptions, FDA estimates there will be 1,122 OMUFA fee-paying units. The Agency estimates that 60 percent ($1,122 \times 0.60 = 673$, rounded) will incur the MDF fee and 40 percent ($1,122 \times 0.40 = 449$, rounded) will incur the CMO fee.

To determine the number of full fee-paying equivalents (the denominator) to be used in setting the OMUFA fees, FDA assigns a value of 1 to each MDF (673) and a value of ⅔ to each CMO ($449 \times ⅔ = 299$) for a full facility equivalent of 972 (rounded). The target fee revenue of $25,421,000 is then divided by 972 for an MDF fee of $26,153 and a CMO fee of $17,435.

V. Fee Schedule for FY 2023

The fee rates for FY 2023 are displayed in table 2.

TABLE 2—FEE SCHEDULE FOR FY 2023

Fee category	FY 2023 fee rates
OMOR:	
Tier 1	$517,381
Tier 2	103,476
Facility Fees:	
MDF	26,153
CMO	17,435

VI. Fee Payment Options and Procedures

The new fee rates are for the period from October 1, 2022, through September 30, 2023. To pay the OMOR, MDF, and CMO fees, complete an OTC Monograph User Fee Cover Sheet, available at: *https://userfees.fda.gov/OA_HTML/omufaCAcdLogin.jsp.*

A user fee identification (ID) number will be generated. Payment must be made in U.S. currency by electronic check or wire transfer, payable to the order of the Food and Drug Administration. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card for payments under $25,000 (Discover, VISA, MasterCard, American Express).

FDA has partnered with the U.S. Department of the Treasury to use *Pay.gov*, a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA website after completing the OTC Monograph User Fee Cover Sheet and generating the user fee ID number. Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay.* (Note: Only full payments are accepted through *https://userfees.fda.gov/pay.* No partial payments can be made online). Once an invoice is located, ''Pay Now'' should be selected to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

For payments made by wire transfer, include the unique user fee ID number to ensure that the payment is applied to the correct fee(s). Without the unique user fee ID number, the payment may not be applied, which could result in FDA not filing an OMOR request, or other consequences of nonpayment. The originating financial institution may charge a wire transfer fee. Applicable wire transfer fees must be included with payment to ensure fees are fully paid. Questions about wire transfer fees should be addressed to the financial institution. The account information for wire transfers is as follows: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No.: 75060099, Routing No.: 021030004, SWIFT: FRNYUS33. If needed, FDA's tax identification number is 53–0196965.

If you are assessed an FY 2023 OMUFA facility fee and believe your facility is not an OTC monograph drug facility as described in this notice, please contact *CDERCollections@fda.hhs.gov.*

Dated: March 22, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–06299 Filed 3–24–23; 8:45 am]

BILLING CODE 4164–01–P

[11] See 87 FR 14888, *https://www.federalregister.gov/documents/2022/03/16/2022-05542/over-the-counter-monograph-drug-user-fee-rates-for-fiscal-year-2022.*

[12] See *https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the National Institute of Child Health and Human Development Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Prevention and Treatment through a Comprehensive Care Continuum for HIV-affected Adolescents in Resource Constrained Settings Implementation Science Network (PATC[3]H–IN) Clinical Research Centers.

Date: May 1, 2023.

Closed: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis E. Dettin, Ph.D., MS, MA, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute, of Child Health and Human Development, National Institutes of Health ,6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892, 301–827–8231, *luis_dettin@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: March 21, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–06232 Filed 3–24–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Neuroscience and Behavior Study Section.

Date: June 13, 2023.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2116, Bethesda, MD 20892, 301–443–0800, *bbuzas@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: March 21, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–06238 Filed 3–24–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Notice is hereby given of a change in the meeting of the Sleep Disorders Research Advisory Board, April 6, 2023, 12 p.m. to 5 p.m., and April 7, 2023, 9 a.m. to 2 p.m., National Institutes of Health, Two Rockledge Centre, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on March 16, 2023, 88 FRN 16275.

This notice is being amended to change the meeting start time for April 6, 2023 from 12:00 p.m. to 1:00 p.m. Also, the in person location is amended for both days to Two Rockledge Centre, 6701 Rockledge Drive, Suite 260, Bethesda, MD 20817.

Dated: March 20, 2023.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–06085 Filed 3–24–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2023–0179]

National Towing Safety Advisory Committee; April 2023 Meeting

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Towing Safety Advisory Committee (Committee) will meet to review and discuss matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety. The meeting will be open to the public.

DATES:

Meeting: The Committee will hold a meeting on Wednesday, April 12, 2023, from 8 a.m. until 5 p.m. Eastern Daylight Time (EDT). Please note the meeting may close early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the meeting, submit your written comments no later than March 29, 2023.

ADDRESSES: The meeting will be held at the Crowley Maritime Corporation Headquarters located at 9487 Regency Square Boulevard, Jacksonville, FL 32225 *(https://www.crowley.com/?utm_source=gmb&utm_medium=jacksonville&utm_campaign=corporate&utm_content=office).*

The National Towing Safety 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 Mr. Matthew D. Layman at *Matthew.D.Layman@uscg.mil* or call at 202–372–1421 as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meeting as time permits, but if you want Committee members to review your comment before the meeting, please submit your comments no later than March 29, 2023. We are particularly interested in comments regarding the topics in the ''Agenda'' section below. We encourage you to submit comments through Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual in the **FOR FURTHER**

INFORMATION CONTACT section of this document for alternate instructions. You must include the docket number [USCG–2023–0179]. Comments received will be posted without alteration at *https://www.regulations.gov* including any personal information provided. You may wish to review the Privacy and Security notice available on the homepage of *https://www.regulations.gov,* and 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: Mr. Matthew D. Layman, Designated Federal Officer (DFO) of the National Towing Safety Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509, telephone 202–372–1421, or *Matthew.D.Layman@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* (Pub. L. 117–286, 5 U.S.C., ch. 10). The National Towing Safety Advisory Committee is authorized by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018,* (Pub. L. 115–282, 132 Stat. 4190), and is codified in 46 U.S.C. 15108. The Committee operates under the provisions of the *Federal Advisory Committee Act* and 46 U.S.C. 15109. The National Towing Safety Advisory Committee provides advice and recommendations to the Secretary of Homeland Security through the Commandant of the U.S. Coast Guard, on matters related to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

Agenda

The agenda for the National Towing Safety Advisory Committee is as follows:

I. Opening
  a. Call to Order and DFO Remarks
  b. Committee Chairperson Remarks
  c. Roll Call and Determination of Quorum
  d. U.S. Coast Guard Leadership Remarks
II. Administration
  a. Adoption of Meeting Agenda
  b. Approval of Meeting Minutes for Sept. 21, 2022 Committee Meeting
III. Old Business
  a. Update from Subcommittees:
  ○ Task 21–03: Report on the Anticipated Challenges Expected to Impact the Towing Vessel Industry;
  ○ Task 21–04: Report on the Challenges Faced by the Towing Vessel Industry as a Result of the Covid-19 Pandemic;
  ○ Task 22–01: Recommendation to the Coast Guard for Rulemaking Improvements to Subchapter M;
  ○ Task 22–02: Recommendation for Training and Instruction for Crewmembers Working Aboard Subchapter M Inspected Towing Vessels
  b. Vetting Subcommittee Update
IV. New Business
  a. Committee Planning
V. Information Session
  a. USCG Sector Jacksonville Overview
  b. CG–ENG, Autonomous Vessels
  c. CG–REG, Regulations Policy
  d. National Maritime Center
  e. Crowley Maritime Corp.
VI. Committee Discussion
VII. Public Comment Period
VIII. Closing Remarks and Plans for Next Meeting
IX. Adjournment of Meeting

A copy of all pre-meeting documentation will be available at *https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/Office-of-Operating-and-Environmental-Standards/vfos/TSAC/* no later than March 29, 2023. Alternatively, you may contact Mr. Matthew Layman as noted above in the **FOR FURTHER INFORMATION CONTACT** section above.

There will be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, 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 13, 2023.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2023–06218 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of August 1, 2023 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in

newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
New London County, Connecticut (All Jurisdictions) Docket No.: FEMA–B–2180	
Borough of Jewett City	Town Clerk's Office, 28 Main Street, Jewett City, CT 06351.
Town of Griswold	Town Clerk's Office, 28 Main Street, Griswold, CT 06351.
Town of Lisbon	Town Hall, 1 Newent Road, Lisbon, CT 06351.
Town of North Stonington	Town Clerk's Office, 40 Main Street, North Stonington, CT 06359.
Town of Preston	Town Hall, 389 Route 2, Preston, CT 06365.
Town of Voluntown	Town Hall, Town Clerk's Office, 115 Main Street, Voluntown, CT 06384.
Frederick County, Maryland and Incorporated Areas Docket No.: FEMA–B–2103	
City of Brunswick	City Annex, Planning and Zoning Department, 601 East Potomac Street, Brunswick, MD 21716.
City of Frederick	City Office Annex, Engineering Department, 140 West Patrick Street, 3rd Floor, Frederick, MD 21701.
Town of Burkittsville	Town Office, 500 East Main Street, Burkittsville, MD 21718.
Town of Emmitsburg	Planning and Zoning Department, 300A South Seton Avenue, Emmitsburg, MD 21727.
Town of Middletown	Municipal Center, 31 West Main Street, Middletown, MD 21769.
Town of Myersville	Town Hall, 301 Main Street, Myersville, MD 21773.
Town of New Market	Town Hall, 40 South Alley, New Market, MD 21774.
Town of Thurmont	Town Office, 615 East Main Street, Thurmont, MD 21788.
Town of Walkersville	Town Hall, 21 West Frederick Street, Walkersville, MD 21793.
Town of Woodsboro	Town of Woodsboro, Planning and Zoning Department, Winchester Hall, 12 East Church Street, Frederick, MD 21701.
Unincorporated Areas of Frederick County	Frederick County Planning and Zoning Department, 30 North Market Street, Frederick, MD 21701.
Village of Rosemont	Office of the Rosemont Burgess, 1219 Rosemont Drive, Rosemont, MD 21758.
Dent County, Missouri and Incorporated Areas Docket No.: FEMA–B–2234	
City of Salem	City Administration Building, 400 North Iron Street, Salem, MO 65560.
Unincorporated Areas of Dent County	Dent County Courthouse, 400 North Main Street, Salem, MO 65560.
Kanawha County, West Virginia and Incorporated Areas Docket No.: FEMA–B–2227	
Town of Clendenin	Town Hall, 103 1st Street, Clendenin, WV 25045.
Unincorporated Areas of Kanawha County	Office of the Floodplain Administrator, 407 Virginia Street East, 2nd Floor, Charleston, WV 25301.

[FR Doc. 2023–06275 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B–2326]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona:						
Maricopa	City of Scottsdale 22–09–1364P).	The Honorable David Ortega, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 9, 2023	045012
Maricopa	Unincorporated Areas of Maricopa County (22–09–1193P).	The Honorable Clint L. Hickman, Chair, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 7, 2023	040037
California:						
Nevada	City of Grass Valley (22–09–1769X).	The Honorable Ben Aguilar, Mayor, City of Grass Valley, 125 East Main Street, Grass Valley, CA 95945.	Public Works Department, 125 East Main Street, Grass Valley, CA 95945.	*https://msc.fema.gov/portal/advanceSearch.*	May 31, 2023	060211

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Nevada	Town of Truckee (22–09–0327P).	The Honorable Lindsay Romack, Mayor, Town of Truckee, 10183 Truckee Airport Road, Truckee, CA 96161.	Eric W. Rood Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 12, 2023	060762
Riverside	City of Corona (22–09–1326P).	The Honorable Tony Daddario, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	City Hall, 400 South Vicentia Avenue, Corona, CA 92882.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 5, 2023	060250
Riverside	City of Corona (22–09–1747P).	The Honorable Tony Daddario, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	City Hall, 400 South Vicentia Avenue, Corona, CA 92882.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 10, 2023	060250
Riverside	City of Menifee (22–09–0396P).	The Honorable Bill Zimmerman, Mayor, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	Public Works and Engineering Department, 29714 Haun Road, Menifee, CA 92586.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2023	060176
Riverside	City of Menifee (22–09–1027P).	The Honorable Bill Zimmerman, Mayor, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	Public Works and Engineering Department, 29714 Haun Road, Menifee, CA 92586.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	060176
Riverside	City of Moreno Valley (22–09–0975P).	The Honorable Ulises Cabrera, Mayor, City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92553.	Public Works Department, 14177 Frederick Street, Moreno Valley, CA 92552.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 10, 2023	065074
Riverside	Unincorporated Areas of Riverside County (22–09–0281P).	The Honorable Kevin Jeffries, Chair, Board of Supervisors Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2023	060245
Riverside	Unincorporated Areas of Riverside County (22–09–0396P).	The Honorable Kevin Jeffries, Chair, Board of Supervisors Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2023	060245
Riverside	Unincorporated Areas of Riverside County (22–09–1027P).	The Honorable Kevin Jeffries, Chair, Board of Supervisors Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	060245
Riverside	Unincorporated Areas of Riverside County, (22–09–1747P).	The Honorable Kevin Jeffries, Chair, Board of Supervisors Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501.	Riverside County, Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 10, 2023	060245
San Diego	City of San Marcos (22–09–1048P).	The Honorable Rebecca Jones, Mayor, City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.	City Hall, 1 Civic Center Drive, San Marcos, CA 92069.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 5, 2023	060296
Florida: Nassau	Unincorporated Areas of Nassau County (22–04–3256P).	Taco Pope, County Manager, Nassau County, County Manager's Office, 96135 Nassau Place, Suite 1, Yulee, FL 32097.	Nassau County Building Department, 96161 Nassau Place, Yulee, FL 32097.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 22, 2023	120170
Idaho: Canyon	City of Caldwell (22–10–0547P).	The Honorable Jarom Wagoner, Mayor, City of Caldwell, City Hall, 411 Blaine Street, Caldwell, ID 83605.	City Hall, 621 Cleveland Boulevard, 2nd Floor, Caldwell, ID 83605.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 3, 2023	160036
Illinois:						
Cook	City of Calumet City (22–05–1085P).	The Honorable Thaddeus M. Jones, Mayor, City of Calumet City, 204 Pulaski Road, Calumet City, IL 60409.	City Hall, 204 Pulaski Road, Calumet City, IL 60409.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	170072

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Cook	Village of South Holland (22–05–1085P).	The Honorable Don A. De Graff, Mayor, Village of South Holland, Village Hall, 16226 Wausau Avenue, South Holland, IL 60473.	Planning & Development Department, 16226 Wausau Avenue, South Holland, IL 60473.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	170163
Will	City of Naperville (22–05–3407P).	The Honorable Steve Chirico, Mayor, City of Naperville, Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	Municipal Center, 400 South Eagle Street, Naperville, IL 60540.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	170213
Indiana:						
Monroe	City of Bloomington (22–05–1490P).	The Honorable John Hamilton, Mayor, City of Bloomington, 401 North Morton Street, Suite 210, Bloomington, IN 47404.	Planning Department, 401 North Morton Street, Bloomington, IN 47402.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 5, 2023	180169
Monroe	Unincorporated Areas of Monroe County (22–05–1490P).	Julie Thomas, Commissioner—District 2, Monroe County Board of Commissioners, Monroe County Courthouse, 100 West Kirkwood Avenue, Bloomington, IN 47404.	Monroe County Courthouse, 100 West Kirkwood Avenue, Room 306, Bloomington, IN 47404.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 5, 2023	180444
Minnesota:						
Hennepin	City of Plymouth (22–05–2089P).	The Honorable Jeffry Wosje, Mayor, City of Plymouth, 3400 Plymouth Boulevard, Plymouth, MN 55447.	City Hall, 3400 Plymouth Boulevard, Plymouth, MN 55447.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	270179
Wabasha	City of Mazeppa (22–05–2195P).	The Honorable Chris Hagfors, Mayor, City of Mazeppa, 121 Maple Street, Mazeppa, MN 55956.	City Hall, 1st and Maple Streets, Mazeppa, MN 55957.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2023	270487
Nebraska:						
Lancaster	City of Lincoln (22–07–0708P).	The Honorable Leirion Gaylor Baird, Mayor, City of Lincoln, 555 South 10th Street, Lincoln, NE 68508.	Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.	*https://msc.fema.gov/portal/advanceSearch.*	May 23, 2023	315273
Lancaster	Unincorporated Areas of Lancaster County (22–07–0708P).	Chair Deb Schorr, Lancaster County Board of Commissioners, 555 South 10th Street, Room 110, Lincoln, NE 68508.	Lancaster County Building & Safety Department, 555 South 10th Street, Lincoln, NE 68508.	*https://msc.fema.gov/portal/advanceSearch.*	May 23, 2023	310134
Nevada: Clark	City of Henderson (22–09–1370P).	The Honorable Michelle Romero, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 8, 2023	320005
Ohio:						
Fairfield.	City of Pickerington (22–05–1171P).	The Honorable Lee A. Gary, Mayor, City of Pickerington, 100 Lockville Road, Pickerington, OH 43147.	City Hall, 51 East Columbus Street, Pickerington, OH 43147.	*https://msc.fema.gov/portal/advanceSearch.*	May 25, 2023	390162
Fairfield	Unincorporated Area of Fairfield County (22–05–1171P).	Jeffery Fix, Fairfield County Commissioner, 210 East Main Street, Room 302, Lancaster, OH 43130.	Fairfield County Regional Planning Commission, 210 East Main Street, Room 104, Lancaster, OH 43130.	*https://msc.fema.gov/portal/advanceSearch.*	May 25, 2023	390158
Washington:						
Spokane	Unincorporated Areas of Spokane County (22–10–0742P).	Scott Simmons, Chief Executive Officer, Spokane County, 1116 West Broadway Avenue, Spokane, WA 99260.	Spokane County, Public Works Building, 1026 West Broadway Avenue, Spokane, WA 99260.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2023	530174
Whatcom	City of Lynden (22–10–0639P).	The Honorable Scott Korthuis, Mayor, City of Lynden, City Hall, 300 4th Street, Lynden, WA 98264.	City Hall, 300 4th Street, Lynden, WA 98264.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	530202
Wisconsin:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Outagamie	Village of Shiocton (22–05–2012P).	Terri James, President, Village of Shiocton, Village Hall, P.O. Box 96, Shiocton, WI 54170.	Village Hall, N5605 State Road 76, Shiocton, WI 54170.	*https://msc.fema.gov/portal/advanceSearch.*	May 30, 2023	550309
Portage	Unincorporated Areas of Portage County (23–05–0737X).	Chair Al Haga, Jr., Portage County, Board of Supervisors, 2140 Norway Pine Drive, Plover, WI 54467.	Portage County Courthouse, 1516 Church Street, Stevens Point, WI 54481.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 5, 2023	550572
Racine	City of Racine (22–05–0143P).	The Honorable Cory Mason, Mayor, City of Racine, City Hall, 730 Washington Avenue, Room 201, Racine, WI 53403.	City Hall, 730 Washington Avenue, Racine, WI 53403.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	555575
Racine	Village of Mount Pleasant (22–05–0143P).	The Honorable Dave Degroot, President, Village of Mount Pleasant, Village Hall, 8811 Campus Drive, Mount Pleasant, WI 53406.	Village Hall, 8811 Campus Drive, Mount Pleasant, WI 53406.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	550322
Racine	Village of Sturtevant (22–05–0143P).	The Honorable Mike Rosenbaum, President, Village of Sturtevant, 2801 89th Street, Sturtevant, WI 53177.	Village Hall, 2801 89th Street, Sturtevant, WI 53177.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	550353

[FR Doc. 2023–06276 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado:					
Jefferson (FEMA Docket No.: B–2291).	Unincorporated areas of Jefferson County (22–08–0163P).	The Honorable Andy Kerr, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, CO 80419.	Jefferson County, Planning and Zoning Division, 100 Jefferson County, Parkway, Suite 3550, Golden, CO 80419.	Feb. 10, 2023	080087
Mineral (FEMA Docket No.: B–2299).	City of Creede (21–08–1132P).	The Honorable Jeffrey Larson, Mayor, City of Creede, P.O. Box 457, Creede, CO 81130.	Town Hall, 2223 North Main Street, Creede, CO 81130.	Feb. 24, 2023	080118
Summit (FEMA Docket No.: B–2299).	Town of Breckenridge (22–08–0208P).	The Honorable Eric Mamula, Mayor, Town of Breckenridge, P.O. Box 168, Breckenridge, CO 80424.	Public Works Department, 1095 Airport Road, Breckenridge, CO 80424.	Feb. 27, 2023	080172
Summit (FEMA Docket No.: B–2299).	Unincorporated areas of Summit County (22–08–0208P).	The Honorable Tamara Pogue, Chair, Summit County, Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424.	Summit County Commons, 37 Peak One Drive, Breckenridge, CO 80443.	Feb. 27, 2023	080290
Delaware: New Castle (FEMA Docket No.: B–2299).	Unincorporated areas of New Castle County (22–03–0655P).	The Honorable Matthew Meyer, New Castle County, Executive, 87 Reads Way, New Castle, DE 19720.	New Castle County, Land Use Department, 87 Reads Way, New Castle, DE 19720.	Feb. 23, 2023	105085
Florida:					
Bay (FEMA Docket No.: B–2304).	Unincorporated areas of Bay County (21–04–2548P).	The Honorable Robert Carroll, Chair, Bay County, Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Division, 840 West 11th Street, Panama City, FL 32401.	Feb. 24, 2023	120004
Hillsborough (FEMA Docket No.: B–2291).	City of Tampa (22–04–3679P).	The Honorable Jane Castor, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	Planning Department, 1400 North Boulevard, Tampa, FL 33607.	Feb. 16, 2023	120114
Monroe (FEMA Docket No.: B–2291).	Unincorporated areas of Monroe County (22–04–5024P).	The Honorable David Rice, Mayor, Monroe County, Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 21, 2023	125129
Monroe (FEMA Docket No.: B–2291).	Unincorporated areas of Monroe County (22–04–5026P).	The Honorable David Rice, Mayor, Monroe County, Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 21, 2023	125129
Monroe (FEMA Docket No.: B–2291).	Village of Islamorada (22–04–5027P).	The Honorable Pete Bacheler, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Feb. 13, 2023	120424
Pinellas (FEMA Docket No.: B–2299).	City of Seminole (22–04–3011P).	The Honorable Leslie Waters, Mayor, City of Seminole, 9199 113th Street, Seminole, FL 33772.	Community Development Department, 9199 113th Street, Seminole, FL 33772.	Feb. 23, 2023	120257
Volusia (FEMA Docket No.: B–2291).	City of Daytona Beach (21–04–5321P).	Deric C. Feacher, City of Daytona Beach, Manager, 301 South Ridgewood Avenue, Daytona Beach, FL 32115.	Utilities Department, 125 Basin Street, Suite 100, Daytona Beach, FL 32114.	Feb. 7, 2023	125099

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Volusia (FEMA Docket No.: B–2291).	Unincorporated areas of Volusia County (21–04–5321P).	George Recktenwald, Volusia County Manager, 123 West Indiana Avenue, Deland, FL 32720.	Thomas C. Kelly, Administration Center, 123 West Indiana Avenue, Deland, FL 32720.	Feb. 7, 2023	125155
New Mexico: Sandoval (FEMA Docket No.: B–2299).	City of Rio Rancho (21–06–1075P).	The Honorable Greggory D. Hull, Mayor, City of Rio, Rancho, 3200 Civil Center Circle Northeast, Rio Rancho, NM 87144.	City Hall, 3200 Civil Center Circle Northeast, Rio Rancho, NM 87144.	Feb. 17, 2023	350146
North Carolina:					
Cumberland (FEMA Docket, No.: B–2299).	Unincorporated areas of Cumberland County (22–04–2062P)	The Honorable Glenn Adams, Chair, Cumberland County, Board of Commissioners, P.O. Box 1829, Fayetteville, NC 28301.	Cumberland County, Planning and Inspections Department, 130 Gillespie Street, Fayetteville, NC 28301.	Mar. 1, 2023	370076
Harnett (FEMA Docket, No.: B–2299).	Unincorporated areas of Harnett County (22–04–2062P).	Lewis Weatherspoon, Chair, Harnett County, Board of Commissioners, P.O. Box 759, Lillington, NC 27546.	Harnett County Planning Services Department, 420 McKinney Parkway, Lillington, NC 27546.	Mar. 1, 2023	370328
Oklahoma: Rogers (FEMA Docket No.: B–2291).	City of Owasso (22–06–1793P).	The Honorable Kelly Lewis, Mayor, City of Owasso, 200 South Main Street, Owasso, OK 74055.	Public Works Department, 301 West 2nd Avenue, Owasso, OK 74055.	Feb. 16, 2023	400210
Pennsylvania:					
Blair (FEMA Docket No.: B–2299).	Township of Freedom (22–03–0978P).	The Honorable Timothy James, Chair, Township of Freedom, Board of Supervisors, 131 Municipal Street, East Freedom, PA 16637.	Township Hall, 131 Municipal Street, East Freedom, PA 16637.	Feb. 10, 2023	421388
Blair (FEMA Docket No.: B–2299).	Township of Greenfield (22–03–0978P).	The Honorable Jordan Oldham, Chair, Township of Greenfield, Board of Supervisors, P.O. Box 313, Claysburg, PA 16625.	Township Hall, 477 Ski Gap Road, Claysburg, PA 16625.	Feb. 10, 2023	421389
Texas:					
Collin (FEMA Docket No.: B–2291).	City of Celina (22–06–0892P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	Feb. 7, 2023	480133
Collin (FEMA Docket No.: B–2299).	City of McKinney (21–06–3351P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Feb. 27, 2023	480135
Dallas (FEMA Docket No.: B–2299).	Town of Sunnyvale (22–06–1541P).	The Honorable Saji George, Mayor, Town of Sunnyvale, 127 North Collins Road, Sunnyvale, TX 75182.	Town Hall, 127 North Collins Road, Sunnyvale, TX 75182.	Feb. 21, 2023	480188
Denton (FEMA Docket No.: B–2299).	City of Denton (22–06–1168P).	The Honorable Gerard Hudspeth, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76209.	Feb. 24, 2023	480194
Denton (FEMA Docket No.: B–2299).	City of Fort Worth (22–06–1784P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, Engineering Vault & Map Repository, 200 Texas Street, Fort Worth, TX 76102.	Feb. 27, 2023	480596

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Denton (FEMA Docket No.: B–2299).	Unincorporated areas of Denton County (22–06–1168P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	Feb. 24, 2023	480774
Denton (FEMA Docket No.: B–2299).	Unincorporated areas of Denton County (22–06–1784P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208.	Denton County Public Works Department, Engineering Department, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Feb. 27, 2023	480774
Kaufman (FEMA Docket No.: B–2299).	City of Dallas (22–06–1541P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Water Utilities Department, 312 East Jefferson Boulevard, Room 307, Dallas, TX 75203.	Feb. 21, 2023	480171
Kaufman (FEMA Docket No.: B–2299).	Unincorporated areas of Kaufman County (22–06–1541P).	The Honorable Hal Richards, Kaufman County Judge, 100 West Mulberry Street, Kaufman, TX 75142.	Kaufman County Development Services Department, 106 West Grove Street, Kaufman, TX 75142.	Feb. 21, 2023	480411
Utah:					
Salt Lake (FEMA Docket No.: B–2291).	City of Riverton (22–08–0092P).	The Honorable Trent Staggs, Mayor, City of Riverton, 12830 South Redwood Road, Riverton, UT 84065.	Public Works Department, 12526 South 4150 West, Riverton, UT 84065.	Feb. 16, 2023	490104
Salt Lake (FEMA Docket No.: B–2291).	City of South Jordan (22–08–0092P).	The Honorable Dawn R. Ramsey, Mayor, City of South Jordan, 1600 West Towne Center Drive, South Jordan, UT 84095.	Engineering Services Department, 1600 West Towne Center Drive, South Jordan, UT 84095.	Feb. 16, 2023	490107
Salt Lake (FEMA Docket No.: B–2299).	City of West Valley City (22–08–0322P).	Wayne T. Pyle, Manager, City of West Valley City, 3600 South Constitution Boulevard, West Valley City, UT 84119.	City Hall, 3600 South Constitution Boulevard, West Valley City, UT 84119.	Feb. 21, 2023	490245

[FR Doc. 2023–06274 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B2324]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance

eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arkansas:						
Sebastian	City of Fort Smith (22–06–0574P).	Carl Geffken, Administrator, City of Fort Smith, 623 Garrison Avenue, Room 315, Fort Smith, AR 72901.	City Hall, 623 Garrison Avenue, Fort Smith, AR 72901.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2023	055013
Sebastian	Unincorporated areas of Sebastian County (22–06–0574P).	The Honorable Steve Hotz, Sebastian County Judge, 35 South 6th Street, Room 106, Fort Smith, AR 72901.	Sebastian County Courthouse, 35 South 6th Street, Fort Smith, AR 72901.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2023	050462
Colorado:						
Elbert	Town of Elizabeth (22–08–0561P).	Patrick Davidson, Administrator, Town of Elizabeth, P.O. Box 159, Elizabeth, CO 80107.	Town Hall, 321 South Banner Street, Elizabeth, CO 80107.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	080056
Elbert	Unincorporated areas of Elbert County (22–08–0561P).	The Honorable Chris Richardson, Chair, Elbert County Board of Commissioners, P.O. Box 7, Kiowa, CO 80117.	Elbert County Government Building, 215 Comanche Street, Kiowa, CO 80117.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	080055
Florida:						
Charlotte	City of Punta Gorda (22–04–4835P).	The Honorable Lynne Matthews, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, FL 33950.	Building Department, 326 West Marion Avenue, Punta Gorda, FL 33950.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2023	120062
Polk	Unincorporated areas of Polk County (22–04–2066P).	Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 15, 2023	120261
Minnesota:						
Hennepin	City of Corcoran (22–05–1366P).	The Honorable Tom McKee, Mayor, City of Corcoran, 8200 County Road 116, Corcoran, MN 55340.	Public Works Department, 8200 County Road 116, Corcoran, MN 55340.	*https://msc.fema.gov/portal/advanceSearch.*	May 26, 2023	270155
Hennepin	City of Maple Grove (22–05–1366P).	The Honorable Mark Steffenson, Mayor, City of Maple Grove, 12800 Arbor Lakes Parkway North, Maple Grove, MN 55369.	Engineering Department, 12800 Arbor Lakes Parkway North, Maple Grove, MN 55369.	*https://msc.fema.gov/portal/advanceSearch.*	May 26, 2023	270169
North Carolina:						
Mecklenburg	City of Charlotte (22–04–3208P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	*https://msc.fema.gov/portal/advanceSearch.*	May 31, 2023	370159
Mecklenburg	City of Charlotte (22–04–4558P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 7, 2023	370159
Mecklenburg	Town of Pineville (22–04–4558P).	The Honorable John Edwards, Mayor, Town of Pineville, 253 Pineville Forest Drive, Pineville, NC 28134.	Mecklenburg County Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 7, 2023	370160

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Surry	Unincorporated areas of Surry County (22–04–2047P).	The Honorable Eddie Harris, Chair, Surry County Board of Commissioners, 848 Liberty School Road, State Road, NC 28676.	Surry County Planning and Development Department, 122 Hamby Road, Dobson, NC 27017.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 13, 2023	370364
South Dakota: Beadle	City of Huron (22–08–0556P).	The Honorable Gary Harrington, Mayor, City of Huron, P.O. Box 1369, Huron, SD 57350.	Engineering Department, 239 Wisconsin Avenue Southwest, Huron, SD 57350.	*https://msc.fema.gov/portal/advanceSearch.*	May 11, 2023	460003
Tennessee:						
Sumner	City of Hendersonville (22–04–4036P).	The Honorable Jamie Clary, Mayor, City of Hendersonville, 101 Maple Drive, North Hendersonville, TN 37075.	City Hall, 101 Maple Drive, North Hendersonville, TN 37075.	*https://msc.fema.gov/portal/advanceSearch.*	May 19, 2023	470186
Williamson	Unincorporated areas of Williamson County (22–04–4169P).	The Honorable Rogers Anderson, Mayor, Williamson County, 1320 West Main Street, Suite 125, Franklin, TN 37064.	Williamson County Administrative Complex, 1320 West Main Street, Suite 400, Franklin, TN 37064.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 2, 2023	470204
Texas:						
Brazoria	City of Pearland (22–06–1958P).	The Honorable Kevin Cole, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	Engineering and Public Works Department, 2016 Old Alvin Road, Pearland, TX 77581.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2023	480077
Brazos	City of Bryan (22–06–1930P).	The Honorable Bobby Gutierrez, Mayor, City of Bryan, P.O. Box 1000, Bryan, TX 77805.	City Hall, 300 South Texas Avenue, Bryan, TX 77803.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 28, 2023	480082
Collin	City of Celina (22–06–1545P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2023	480133
Collin	City of Celina (22–06–2884P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2023	480133
Collin	Town of Prosper (22–06–1545P).	The Honorable David F. Bristol, Mayor, Town of Prosper, 250 West 1st Street, Prosper, TX 75078.	Town Hall, 250 West 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2023	480141
Collin	Town of Prosper (22–06–1698P).	The Honorable David F. Bristol, Mayor, Town of Prosper, 250 West 1st Street, Prosper, TX 75078.	Town Hall250 West 1st StreetProsper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 22, 2023	480141
Collin	Unincorporated areas of Collin County (22–06–2884P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 22, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	May 22, 2023	480130
Denton	City of Corinth (21–06–3404P).	Scott Campbell, Manager, City of Corinth, 3300 Corinth Parkway, Corinth, TX 76208.	Engineering Department, 1200 Corinth Street, Corinth, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 5, 2023	481143
Denton	City of Denton (22–06–2457P).	The Honorable Gerard Hudspeth, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Capital Projects/Engineering Department, 401 North Elm Street, Denton, TX 76201.	*https://msc.fema.gov/portal/advanceSearch.*	May 15, 2023	480194
Denton	City of Denton (21–06–3404P).	The Honorable Gerard Hudspeth, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Capital Projects/Engineering Department, 401 North Elm Street, Denton, TX 76201.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 5, 2023	480194
Ellis	City of Midlothian (22–06–2256P).	The Honorable Richard Reno, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	Engineering Department, 104 West Avenue E, Midlothian, TX 76065.	*https://msc.fema.gov/portal/advanceSearch.*	May 25, 2023	480801
Ellis	Unincorporated areas of Ellis County (22–06–1552P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courthouse, 101 West Main Street, Waxahachie, TX 75165.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2023	480798
Ellis	Unincorporated areas of Ellis County (22–06–2256P).	The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courthouse, 101 West Main Street, Waxahachie, TX 75165.	*https://msc.fema.gov/portal/advanceSearch.*	May 25, 2023	480798
Ellis and Johnson	City of Venus (22–06–1552P).	The Honorable James L. Burgess, Mayor, City of Venus, 700 West U.S. Highway 67, Venus, TX 76084.	Department of Public Works, 700 West U.S. Highway 67, Venus, TX 76084.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 1, 2023	480883

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Hays	City of Kyle (22–06–1978P).	The Honorable Travis Mitchell, Mayor, City of Kyle, 100 West Center Street, Kyle, TX 78640.	Engineering Department, 100 West Center Street, Kyle, TX 78640.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 8, 2023	481108
Kendall	Unincorporated areas of Kendall County (22–06–0783P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering and Development Management Department, 201 East San Antonio Avenue, Boerne, TX 78006.	*https://msc.fema.gov/portal/advanceSearch.*	May 15, 2023	480417
Tarrant	City of Fort Worth (22–06–2438P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2023	480596
Travis	City of Leander (22–06–1862P).	The Honorable Christine DeLisle, Mayor, City of Leander, 105 North Brushy Street, Leander, TX 78641.	Engineering Department, 201 North Brushy Street, Leander, TX 78641.	*https://msc.fema.gov/portal/advanceSearch.*	May 26, 2023	481536
Travis	Unincorporated areas of Travis County (22–06–2228P).	The Honorable Andy Brown, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Floodplain Management Department, 700 Lavaca Street, 5th Floor, Austin, TX 78701.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 20, 2023	481026
Webb	City of Laredo (22–06–2664P).	The Honorable Victor Treviño, Mayor, City of Laredo, P.O. Box 579, Laredo, TX 78042.	Planning and Zoning Department, 1413 Houston Street, Laredo, TX 7804.	*https://msc.fema.gov/portal/advanceSearch.*	May 15, 2023	480651

[FR Doc. 2023–06277 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B–2322]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before June 26, 2023.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2322, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a

mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Shasta County, California and Incorporated Areas Project: 20–09–0027S Preliminary Date: September 22, 2022	
City of Redding	Permit Center, 777 Cypress Avenue, 1st Floor, Redding, CA 96001.
Unincorporated Areas of Shasta County	Shasta County Department of Public Works, 1855 Placer Street, Redding, CA 96001.
Sanborn County, South Dakota and Incorporated Areas Project: 18–08–0009S Preliminary Date: December 13, 2022	
City of Woonsocket	Sanborn County Courthouse, 604 West 6th Street, Woonsocket, SD 57385.
Town of Artesian	Artesian Community Center, 209 South 2nd Street, Artesian, SD 57314.
Unincorporated Areas of Sanborn County	Sanborn County Courthouse, 604 West 6th Street, Woonsocket, SD 57385.

[FR Doc. 2023–06273 Filed 3–24–23; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2023–N030; FF09M30000–234–FXMB12320900000; OMB Control Number 1018–0167]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Eagle Take Permits and Fees

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew, without change, an information collection.

DATES: Interested persons are invited to submit comments on or before April 26, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference ''1018–0167'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On January 13, 2023, we published in the **Federal Register** (88 FR 2369) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on March 14, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the **Federal Register** notice on *Regulations.gov* (Docket FWS–HQ–MB–2023–0009) to provide the public with an additional method to submit comments (in addition to the typical *Info_Coll@fws.gov* email and U.S. mail submission methods). We received the following comments in response to that notice:

Comment 1: Electronic comment received January 14, 2023 from Jean Publiee via *Regulations.gov* (FWS–HQ–MB–2023–0009–0002). The commenter did not address the information collection requirements.

Agency Response to Comment 1: No response required.

Comment 2: Anonymous electronic comment received March 13, 2023 via *Regulations.gov* (FWS–HQ–MB–2023–0009–0003). The commenter did not address the information collection requirements.

Agency Response to Comment 2: No response required.

Comment 3: Electronic comment received March 13, 2023 from Kelsey Royce via *Regulations.gov* (FWS–HQ–MB–2023–0009–0004). The commenter requested an extension on the 60-day comment period of this notice.

Agency Response to Comment 3: We declined to grant the extension due to the upcoming expiration date of this existing information collection. We will inform the commenter when the 30-day comment period opens for the renewal of this information collection, and we will also notify them for the opening of the comment period for the final rule.

Comment 4: Electronic comment received March 14, 2023 from Brooke Marcus with the Energy and Wildlife Action Coalition via *Regulations.gov* (FWS–HQ–MB–2023–0009–0005). The commenter provided comments addressing the Service's proposed rule (RIN 1018–BE70; Docket No. FWS–HQ–MB–2020–0023) and did not address the current information collection requirements in this notice.

Agency Response to Comment 4: The comments provided are outside the scope of this notice and appear to be in response to the proposed rulemaking. We will inform the commenter when the 30-day comment period opens for the renewal of this information collection, and we will also notify them for the opening of the comment period for the final rule.

Comment 5: Comment received March 15, 2023 from Evan Inman via email. The commenter requested an extension on the 60-day comment period of this notice.

Agency Response to Comment 5: We declined to grant the extension due to the upcoming expiration date of this existing information collection. We will inform the commenter when the 30-day comment period opens for the renewal of this information collection, and we will also notify them for the opening of the comment period for the final rule.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 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.

Abstract: The Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668–668d) prohibits take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act regulations at title 50, part 22 of the Code of Federal Regulations (CFR) define the ''take'' of an eagle to include the following broad range of actions: To ''pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb.'' The Eagle Act allows the Secretary of the Interior to authorize certain otherwise prohibited activities through regulations.

All Service permit applications associated with eagles are in the 3–200 and 3–202 series of forms, each tailored to a specific activity based on the requirements for specific types of permits. We collect standard identifier information for all permits. The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity.

The Service proposes to renew this information collection, without change, in order to extend the expiration date for the collection (currently July 31, 2023) while the Service continues to finalize our rulemaking under RIN 1018–BG70, Permits for Incidental Take of Eagles and Eagle Nests. On September 30, 2022, we published the proposed rule (87 FR 59598) to revise the regulations authorizing the issuance of permits for eagle incidental take and eagle nest take to increase the efficiency and effectiveness of permitting, facilitate and improve compliance, and increase the conservation benefit for eagles. The comment period for the proposed rule ended on November 29, 2022. On November 28, 2022, we extended the proposed rule's comment period to December 29, 2022 (87 FR 72957). We received no comments addressing the information collection requirements.

In addition to continuing to authorize specific permits, the proposed rule, if finalized as written, would create general permits for certain activities under prescribed conditions (qualifying wind-energy generation projects, power line infrastructure, activities that may disturb breeding bald eagles, and bald eagle nest take). It also would remove the current third-party monitoring requirement for eagle incidental take permits, update current permit fees, and clarify definitions. We anticipate publication of the final rule under RIN 1018–BE70 in late 2023 or early 2024.

The public may request copies of any form contained in this information collection by sending a request to the Service Information Collection Clearance Officer (see **ADDRESSES**).

Title of Collection: Eagle Permits, 50 CFR 22.

OMB Control Number: 1018–0167.

Form Numbers: Forms 3–200–14, 3–200–15a, 3–200–16, 3–200–18, 3–200–71, 3–200–72, 3–200–77, 3–200–78, 3–200–82, 3–200–11 through 3–200–16, 3–1552, 3–1591, and 3–2480.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and businesses. We expect that the majority of applicants seeking long-term permits will be in the energy production and electrical distribution business sectors.

Total Estimated Number of Annual Respondents: 4,068.

Total Estimated Number of Annual Responses: 4,318.

Estimated Completion Time per Response: Varies from 15 minutes to 228 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 25,894.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Nonhour Burden Cost: $1,369,200 (primarily associated with application processing fees).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Signed:

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2023–06240 Filed 3–24–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX23WC00GJNV331; OMB Control Number 1028–0106]

Agency Information Collection Activities; USGS Ashfall Report

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 26, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide your comments to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0106 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kristi Wallace by email at *kwallace@usgs.gov* or by telephone at (907) 786–7109. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA 44 U.S.C. 3501 *et seq.* and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 4, 2022 (87 FR 66743). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The USGS provides notifications and warnings to the public of volcanic activity in the U.S. in order to reduce the loss of life and property and to mitigate the economic and societal impacts. Ash fallout to the ground can pose significant disruption and damage to buildings, transportation, water and wastewater, power supply, communications equipment, agriculture, and primary production leading to potentially substantial societal impacts and costs, even at thicknesses of only a few millimeters or inches. Additionally, fine grained ash, when ingested can cause health impacts to humans and animals. The USGS will use reports entered by respondents in real time of ash fall in their local area to correct or refine ash fall forecasts as the ash cloud moves downwind. Retrospectively these reports will enable the USGS to improve their ash fall models and further their research into eruptive processes.

This project is a database module and web interface allowing the public and Alaska Volcano Observatory (AVO) staff to enter reports of ash fall in their local area in real time and retrospectively following an eruptive event. Users browsing the AVO website during eruptions will be directed towards a web form allowing them to fill in ash fall information and submit the information to AVO. Compiled ashfall reports are available in real-time to AVO staff through the AVO internal website. A pre-formatted summary report or table that distills information received online will show ash fall reports in chronological order with key fields including (1) date and time of ash fall, (2) location, (3) positive or negative ash fall (4) name of observer, and (5) contact information which is easily viewable internally on the report so that calls for clarification can be made by AVO staff quickly and Operations room staff can visualize ashfall information quickly.

Ashfall report data will also be displayed on a dynamic map interface and show positive (yes ash) and negative (no ash) ash fall reports by location. Ash fall reports (icons) will be publicly displayed for a period of 24 hours and shaded differently as they age so that the age of reports is obvious.

The ashfall report database will help AVO track eruption clouds and associated fallout downwind. These reports from the public will also give scientists a more complete record of the amount, duration, and other conditions of ash fall. Getting first-hand accounts of ash fall will support ashfall model development and interpretation of satellite imagery. AVO scientists will—as time allows—be able to contact the individuals using their entered contact information for clarification and details. Knowing the locations from which ash-fall reports have been filed will improve

ash fall warning messages, AVO Volcanic Activity Notifications, and make fieldwork more efficient. AVO staff will be able to condense and summarize the various ash fall reports and forward that information on to emergency management agencies and the wider public. The online form will also free up resources during an eruption, a time that is exceedingly busy for the USGS as most individuals currently phone AVO with their reports.

Title of Collection: USGS Ash Fall Report.

OMB Control Number: 1028–0106.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public General Public, local governments and emergency managers.

Total Estimated Number of Annual Respondents: We are likely to ask individuals to respond 1–6 times year which is the number of past eruptions we have during any one year in Alaska. Individuals can submit responses more than once during an eruption to report ashfall details.

Total Estimated Number of Annual Responses: Approximately 575 individuals affected by a volcanic ashfall event each year.

Estimated Completion Time per Response: We estimate the public reporting burden will average 5 minutes per response. This includes the time for reviewing instructions and answering a web-based questionnaire.

Total Estimated Number of Annual Burden Hours: 79 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion, after each ashfall event.

Total Estimated Annual Non-Hour Burden Cost: $741.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA (44 U.S.C. 3501 *et seq.*).

Christina Neal,

Director, USGS Volcano Science Center.

[FR Doc. 2023–06198 Filed 3–24–23; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–35503; 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 March 11, 2023, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 11, 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 March 11, 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.

FLORIDA

Miami-Dade County

Flori-Coral Apartments, 1250 SW 6 St., Miami, SG100008861

Putnam County

Lincoln Lane School (Florida's Historic Black Public Schools MPS), 116 Lincoln Ln., Interlachen, MP100008856

Interlachen Academy, 108 North Cty. Rd. 315, Interlachen, SG100008857

ILLINOIS

Cook County

Corbin, Dr. Joseph Carter, Gravesite, 863 Des Plaines Ave., Forest Park, SG100008842

Effingham County

Heart Theater, 133 East Jefferson Ave., Effingham, SG100008843

Livingston County

Memorial Bandstand of Long Point, Village Park bordered by Main, 4th, 3rd and Park Sts., Long Point, SG100008844

Strevell House, 401 West Livingston St., Pontiac, SG100008845

NEW YORK

Monroe County

Oak Hill Country Club, 145 Kilbourn Rd., Pittsford vicinity, SG100008862

NORTH CAROLINA

Buncombe County

Craggy Historic District, 8, 10, 18, and 22 Old Leicester Hwy., Woodfin, SG100008847

Forsyth County

Hanes, Alexander S. and Mary R., House, 525 North Hawthorne Rd., Winston-Salem, SG100008851

Gaston County

Flint Mill No. 2—Burlington Industries, Inc. Plant, 1910 Hunt Ave., Gastonia, SG100008852

Guilford County

Downtown Greensboro Historic District (Boundary Increase and Decrease) (Greensboro MPS), Roughly bounded by Davie, North Elm, North and South Green, East and West Lewis, West Market, and West Washington Sts., East and West Friendly and Summit Aves., West Gate City Blvd., and Southern Railway right of way, Greensboro, BC100008850

Hyde County

Davis School, 33460, 33478 US 264, Engelhard, SG100008848

Iredell County

Mooresville Water Pump and Filter Plant, 422 West Moore Ave., Mooresville, SG100008853

Wake County

Mutschler, William and Barbara, House, 1320 Country Club Dr., Wake Forest, SG100008854

Watauga County

Blue Ridge Tourist Court, 574, 560 Old East King St., 173, 187, 191 Cecil Miller Rd., Boone, SG100008846

TEXAS

Travis County

Hanako House, 4022 Greenhill Pl., Austin, SG100008841

WISCONSIN

Milwaukee County

Wauwatosa Cemetery Chapel, 2445 Wauwatosa Ave., Wauwatosa, SG100008855

Additional documentation has been received for the following resources:

MISSISSIPPI

Jackson County

Scranton Historic District (Additional Documentation) (Pascagoula MPS), Roughly bounded by Krebs Ave., Pascagoula St., Convent Ave., and Frederic St., Pascagoula, AD100007019, Comment period: 0 days

NORTH CAROLINA

Guilford County

Downtown Greensboro Historic District (Additional Documentation) (Greensboro MPS), Roughly bounded by Davie, North Elm, North and South Green, East and West Lewis, West Market, and West Washington Sts., East and West Friendly and Summit Aves., West Gate City Blvd., and Southern Railway right of way, Greensboro, MP82003458

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 15, 2023.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2023–06206 Filed 3–24–23; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NCR–WHHO–WHHOA1–35493; PPNCWHHOA1; PPMPSPD1Z.YM0000]

Committee for the Preservation of the White House; Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Committee for the Preservation of the White House (Committee) will meet as indicated below.

DATES: The meeting will take place on Monday, April 17, 2023. The meeting will begin at 10:00 a.m. until 11:30 a.m. (Eastern).

ADDRESSES: The meeting will be held at the White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500. The meeting will be open to the public, but subject to security clearance requirements.

FOR FURTHER INFORMATION CONTACT: Comments may be provided to: John Stanwich, Executive Secretary, Committee for the Preservation of the White House, 1849 C Street NW, Room #1426, Washington, DC 20240, by telephone (202) 219–0322, or by email *ncr_whho_superintendent@nps.gov.* Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Committee has been established in accordance with Executive Order No. 11145, 3 CFR 184 (1964–1965), as amended. The Committee reports to the President of the United States and advises the Director of the NPS with respect to the discharge of responsibilities for the preservation and interpretation of the museum aspects of the White House pursuant to the Act of September 22, 1961 (Pub. L. 87–286, 75 Stat. 586).

Purpose of the Meeting: The agenda will include policies, goals, and long-range plans.

If you plan to attend this meeting, you must register by close of business on Thursday, April 13, 2023. Please contact the Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**) to register. Space is limited and requests will be accommodated in the order they are received.

The meeting will be open, but subject to security clearance requirements. The Executive Secretary will contact you directly with the security clearance requirements. Inquiries may be made by calling the Executive Secretary between 9:00 a.m. and 4:00 p.m. weekdays at (202) 219–0322.

Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House (see **FOR FURTHER INFORMATION CONTACT**). All written comments received will be provided to the Committee.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your written comments, 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.

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

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2023–06302 Filed 3–24–23; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1252]

Certain Robotic Floor Cleaning Devices and Components Thereof; Notice of Commission Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation. The Commission has issued a limited exclusion order (''LEO'') prohibiting the importation of certain robotic floor cleaning devices and components thereof that are imported by or on behalf of SharkNinja Operating LLC, SharkNinja Management LLC, SharkNinja Management Co., SharkNinja Sales Co., EP Midco LLC, and SharkNinja Hong Kong Co. Ltd., and that infringe claims 1 and 9 of U.S. Patent No. 10,813,517 (''the '517 patent''). The Commission has also issued cease and desist orders (''CDOs'') against each Respondent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade

Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 2, 2021, based on a complaint filed on behalf of iRobot Corporation (''iRobot'' or ''Complainant'') of Bedford, Massachusetts. *See* 86 FR 12206–07 (Mar. 2, 2021). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain robotic floor cleaning devices and components thereof based on the infringement of certain claims of the '517 patent; as well as U.S. Patent Nos. 9,884,423 (''the '423 patent''); 7,571,511 (''the '511 patent''); 10,835,096 (''the '096 patent''); and 10,296,007 (''the '007 patent''). *See id.* The Commission's notice of investigation named as respondents SharkNinja Operating LLC, SharkNinja Management LLC, SharkNinja Management Co., SharkNinja Sales Co., and EP Midco LLC, all of Needham, Massachusetts; and SharkNinja Hong Kong Co. Ltd. of Hong Kong Island, Hong Kong (collectively, ''SharkNinja'' or ''Respondents''). *See id.* The Office of Unfair Import Investigations is not participating in the investigation. *See id.*

The '007 patent has been terminated from the investigation. *See* Order No. 23 (Sept. 13, 2021), *unreviewed by* Comm'n Notice (Oct. 5, 2021); Order No. 38 (Jan. 4, 2022), *unreviewed by* Comm'n Notice (Jan. 25, 2022). Accordingly, claims 9, 12, and 23 of the '423 patent; claims 12 and 23 of the '511 patent; claims 1 and 9 of the '517 patent; and claims 17 and 26 of the '096 patent were still pending before the Administrative Law Judge (''ALJ'').

On December 30, 2021, the ALJ issued a *Markman* Order (Order No. 37) construing the claim terms in dispute for all asserted patents.

On October 7, 2022, the ALJ issued a final initial determination (''FID'') finding: (1) a violation of section 337 based on infringement of claims 9 and 12 of the '423 patent and claims 1 and 9 of the '517 patent; (2) no infringement of claim 23 of the '423 patent; (3) no violation as to claims 17 and 26 of the '096 patent; and (4) no violation as to claims 12 and 23 of the '511 patent. The ALJ recommended, should the Commission find a violation, issuing a limited exclusion order directed to SharkNinja's infringing products and a cease and desist order directed to each SharkNinja entity and setting a bond in the amount of twenty percent (20%) for importation of infringing articles during the period of Presidential review.

On October 24, 2022, SharkNinja and iRobot each petitioned for review of certain aspects of the FID. On November 1, 2022, SharkNinja and iRobot each filed a response in opposition to each other's petition for review.

The Commission received no public interest comments from the public in response to the Commission's **Federal Register** notice seeking comments on the public interest. *See* 87 FR 62451–52 (Oct. 14, 2022). iRobot submitted public interest comments pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)) on November 9, 2022.

On January 4, 2023, the Commission determined to review certain aspects of the FID and requested submissions from the parties on certain issues under review. *See* 88 FR 1405–07 (Jan. 10, 2023). The Commission also requested written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding. *See id.* Specifically, the Commission determined to review: (1) for the '511 patent, the FID's finding that estoppel applies to the Trilobite prior art device and claims 1, 10, 12, and 23 are invalid based on the Patent Trial and Appeal Board's (''PTAB'') finding that the claims are unpatentable; (2) for the '423 patent, the FID's findings that: (i) claim 9 of the '423 patent is practiced by the domestic industry (''DI'') products; (ii) SharkNinja's accused robots with forward-docking, *i.e.,* the IQ, AI, and AI–WD products, do not infringe claim 23 of the '423 patent; (iii) the prior art Dottie robot does not anticipate claim 23 of the '423 patent; (iv) the prior art combination of Dottie and Everett and the prior art combination of Dottie and Kim do not render claims 12 or 23, respectively, of the '423 patent obvious under 35 U.S.C. 103; (v) iRobot presented insufficient evidence of secondary considerations of non-obviousness with respect to claim 23; and (vi) claim 23 of the '423 patent is directed to patent-eligible subject matter under 35 U.S.C. 101; (3) for the '517 patent, the ALJ's construction and finding that (i) the ''receiving system'' for claims 1 and 9 is not means-plus-function; (ii) claims 1 and 9 are infringed by SharkNinja's accused products; (iii) claims 1 and 9 are practiced by iRobot's DI products; and (iv) claims 1 and 9 are not anticipated by the asserted prior art (Kawakami); and (4) for all asserted patents, *i.e.,* the '511, '423, '517, and '096 patents, the ID's finding that iRobot satisfied the economic prong of the domestic industry requirement. *See* Comm'n Notice (Jan. 4, 2023); 88 FR 1405–07 (Jan. 10, 2023).

In response to the Commission's notice, on January 18, 2023, iRobot and SharkNinja each filed a brief on the requested issues under review, remedy, the public interest, and bonding. On January 25, 2023, the parties filed reply briefs. The Commission received no other submissions.

Having examined the record of this investigation, including the FID, the RD, and the parties' submissions, the Commission has determined to affirm with modification the FID's determination of a violation of section 337 with respect to claims 1 and 9 of the '517 patent. The Commission reverses and finds no violation as to the asserted claims of the '423 patent. Specifically, as explained in the Commission Opinion filed concurrently herewith, the Commission has determined to:

- vacate the FID's findings as to the '511 patent, which was found unpatentable by the PTAB and no appeal was taken from that PTAB determination;
- reverse the FID's finding that iRobot's DI products practice claim 9 of the '423 patent and thus the finding that iRobot satisfied the technical prong of the domestic industry requirement based on a valid claim;
- reverse the FID's finding that claim 12 of the '423 patent is not obvious over Dottie in view of Everett under 35 U.S.C. 103;
- reverse the FID's finding that certain accused products do not infringe claim 23 of the '423 patent;
- take no position with respect to the FID's finding that claim 23 of the '423 patent is not anticipated by Dottie under 35 U.S.C. 102;
- reverse the FID's finding that claim 23 of the '423 patent is not obvious over Dottie in view of Kim under 35 U.S.C. 103;
- take no position with respect to the FID's finding that claim 23 of the '423

patent is patent-eligible under 35 U.S.C. 101;

• modify and supplement the FID's claim construction of the term ''receiving system'';

• affirm with modification the FID's finding that SharkNinja's accused products infringe the asserted claims of the '517 patent;

• affirm with modification the FID's finding that iRobot's DI products practice the asserted claims of the '517 patent; and

• affirm and supplement the FID's finding that the asserted claims of the '517 patent are not anticipated by Kawakami under 35 U.S.C. 102;

• affirm the FID's findings that iRobot satisfies the economic prong of the domestic industry requirement with respect to the '517 patent and take no position as to those findings with respect to the '511,'423, or '096 patents.

All findings in the FID that are not inconsistent with the Commission's determination are affirmed.

The Commission has determined that the appropriate remedy is an LEO against Respondents' infringing products and a CDO against each Respondent. The Commission has also determined that the public interest factors enumerated in subsection 337(d)(1) and (f)(1) (19 U.S.C. 1337(d)(1), (f)(1)) do not preclude the issuance of the LEO and CDOs. The Commission has further determined to set a bond during the period of Presidential review in the amount of twenty percent (20%) of the entered value of Respondents' infringing products (19 U.S.C. 1337(j)).

The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The Commission's vote for this determination took place on March 21, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 21, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–06222 Filed 3–24–23; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on January 17, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the ''Act''), Pistoia Alliance, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Semantic Arts, Fort Collins, CO; Digital Science, London, UNITED KINGDOM; Crownpoint Technologies, Columbia, MD; Charles River Laboratories, Wilmington, MA; Servier, Île-de-France, FRANCE; and Arcondis, Kanton Reinach, SWITZERLAND have been added as parties to this venture.

Also, Rapid Novor, Waterloo, CANADA; IonQ Inc., College Park, MD; Phesi LLC, East Lyme, CT; McKinsey & Company, Berlin, GERMANY; Owkin, New York, NY; gliff.ai, Durham, UNITED KINGDOM; UMEDEOR LTD, London, UNITED KINGDOM; and Dynaccurate, Esch-sur-Alzette, LUXEMBOURG have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on October 26, 2022. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2022 (87 FR 71680).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06188 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on March 8, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Jiangsu Xinguanglian Technology Co., Ltd., Jiangsu, PEOPLE'S REPUBLIC OF CHINA; Lightcomm Technology Co., Ltd., Sheung Wan, HONG KONG SAR; and Shenzhen Soling Industrial Co., Ltd., Guangdong, PEOPLE'S REPUBLIC OF CHINA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the venture. Membership in this venture remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on December 7, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2023 (88 FR 4211).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06221 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AI Infrastructure Alliance, Inc.

Notice is hereby given that, on January 20, 2023, pursuant to Section

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), AI Infrastructure Alliance, Inc. (''AIIA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Weights and Biases, Inc., San Francisco, CA, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIIA intends to file additional written notifications disclosing all changes in membership.

On January 5, 2022, AIIA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 10, 2022 (87 FR 13759).

The last notification was filed with the Department on January 4, 2023. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 25, 2023 (88 FR 4852).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06181 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on February 28, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, API Holdings I LP, Marlborough, MA; Blue Marble Geographics, Hallowell, ME; CERTyou, Paris, FRANCE; Charles Schwab & Co., Austin, TX; CNO Services, LLC, Carmel, IN; Compass. UOL Technologia LTDA, Passo Fundo, BRAZIL; RoboTech Science, Inc. dba Cyberscend, Lorton, VA; Dee Ann IT Consulting LLP, Nalagandla, INDIA; Echodyne Corporation, Kirkland, WA; Global Air Logistics and Training, Inc., San Diego, CA; GEOMAR Helmholtz Zentrum fuer Ozeanforschung Kiel, Kiel, GERMANY; Glenair, Inc., Glendale, CA; Great River Technology, Inc., Albuquerque, NM; Growth Continue Training, Rond Point Palmerai, REPUBLIC OF CÔTE D'IVOIRE; Inertialwave, Inc., Torrance, CA; Intelligent Artifacts, Inc., New York, NY; Interface Concept, Inc., Cambridge, MA,; Deere & Company, East Moline, IL; MYVIGIE SAS, Saint-Pierre-du-Perray, FRANCE; Naval Information Warfare Center Atlantic, North Charleston, SC; Novus Labs, Hillsboro, OR; Ostrich Cyber-Risk, Cottonwood Heights, UT; Polskie Gornictwo Naftowe i Gazownictwo SA, Warszawa, POLAND; PLB Consultant, Levallois, FRANCE; PM Expert Group UK LIMITED, Noida, INDIA; QuEST Global Services Pte. Ltd., Singapore, SINGAPORE; SERVIEW GmbH, Bad Homburg v. d. H., GERMANY; SmartCore Digital Sdn. Bhd., Shah Alam, MALAYSIA; Snowflake, Inc., Bozeman, MT; Softeq Development Corp, Houston, TX; Stepwise AS, Oslo, NORWAY; Thales UK, Crawley, UNITED KINGDOM; Thoughtworks, Inc., Chicago, IL; ThreatConnect, Inc., Arlington, VA; TurbineOne, Inc., San Francisco, CA; and Wood Mackenzie, Inc., Houston, TX, have been added as parties to this venture.

Also, Acuity Risk Management LLP, London, UNITED KINGDOM; Belmont Technology Inc., Houston, TX; Cerner Corporation, Kansas City, MO; ChampionX, The Woodlands, TX; CIBIT Academy B.V., Velp, THE NETHERLANDS; CourseMonster Pty Ltd, Melbourne, AUSTRALIA; Deeplight Technologies, Reading, UNITED KINGDOM; Engineered Products of Ohio, LLC, Cortland, OH; Full-Stack Architecture International, LLC, Boca Raton, FL; ISM3 Consortium, Madrid, SPAIN; Japan Oil, Gas and Metals National Corporation, Tokyo, JAPAN; Kelvin, Inc., Portola Valley, CA; Leviathan Security Group, Inc., Seattle, WA; Lundin Norway AS, Lysaker, NORWAY; Mosaic451, LLC, Phoenix, AZ; Paradigm Geophysical Corporation, Houston, TX; Radiall USA Inc., Tempe, AZ; SMATMASS Pty Ltd, Johannesburg, SOUTH AFRICA; Tatsoft LLC, Arlington Heights, IL; TechnipFMC plc, Houston, TX; U.S. Space Force Space and Missile Systems Center, El Segundo, CA; and University of St. Thomas Graduate Programs in Software, St. Paul, MN, have withdrawn as parties to this venture.

Additionally, BIZZdesign Holding has changed its name to BIZZdesign BV, Enschede, THE NETHERLANDS; IHS Markit to S&P Global Inc., New York, NY; Larsen Toubro Infotech Ltd to LTIMindtree Limited, Mumbai, INDIA; SARL SMARTEST to SARL DIGIWAVES, Ouled Fayet, ALGERIA; and Thales USA, Inc. to Thales Avionics, Inc., Piscataway, NJ.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on November 11, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2023 (88 FR 4209).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06212 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Senior Healthcare Innovation Consortium

Notice is hereby given that, on January 17, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Senior Healthcare Innovation Consortium (''SHIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Concord Medical Technology Corp., Grand Forks, ND; CoSo Health, Engelwood, CO; D'Angelo Technologies LLC, Beavercreek, OH; Eye C Better Corp., Indio, CA; Institute for Precision Health, Grand Forks, ND; Lana Health, Inc., San Francisco, CA;

Neuro Rehab VR, Fort-Worth, TX; Pingoo.app, Grand Forks, ND; Power of Patients, Charlestown, MA; Silverberry Genomix Co., San Francisco, CA; Verthermia, Boca Raton, FL; and Vibrent Health, Fairfax, VA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SHIC intends to file additional written notifications disclosing all changes in membership.

On November 02, 2022, SHIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2022 (87 FR 71677).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06189 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on February 13, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, AEV Limited LLC, Westlake, OH; Amentum Services, Inc., Germantown, MD; Ampersand Solutions Group, Inc., Huntsville, AL; Analex Corporation dba Arcfield, Huntsville, AL; Arcturus UAV, Inc., Petaluma, CA; Bevilacqua Research Corporation, Huntsville, AL; Carbon-Carbon Advanced Technologies, Inc., Arlington, TX; DRS Network & Imaging Systems LLC, Dallas, TX; DYNAFLOW, Inc., Jessup, MD; Halocarbon LLC, Peachtree Corners, GA; KBM Enterprises, Inc., Huntsville, AL; Kennametal, Inc., Rogers, AR; L3Harris Cincinnati Electronics Corporation, Mason, OH; Nanohmics, Inc., Austin, TX; Perpetua Resources Idaho, Inc., Boise, ID; Prescott Machine LLC, Saginaw, MI; SunRay Scientific, Inc., Eatontown, NJ; Ultra Electronics Advanced Tactical Systems, Inc., Austin, TX; Ursa Major Technologies, Inc., Berhoud, CO; Using Design To Multiply Outcomes, Scottsdale, AZ; VoiceIt Technologies, Inc., Minneapolis, MN; Willerding Acquisition Corp. DBA WB Industries, O'Fallon, MO; and X-Bow Launch Systems Inc., Albuquerque, NM, have been added as parties to this venture.

Also, Advanced Technology Systems Company of Virginia, McLean, VA; Fairlead Integrated LLC, Portsmouth, VA; MAC LLC, Bay St. Louis, MS; PECO, Inc., Clackamas, OR; Sertainty Corp., Nashville, TN; and Telephonics Corp., Farmingdale, NY, have withdrawn as parties to this venture.

Also, Ultramet, Pacoima, CA was added as a party to this venture and has subsequently withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on October 7, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2022 (87 FR 71678).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06219 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Fluids for Electrified Vehicles

Notice is hereby given that, on January 30, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Fluids for Electrified Vehicles (''AFEV'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Emery Oleochemicals LLC, Cincinnati, OH, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AFEV intends to file additional written notifications disclosing all changes in membership.

On June 16, 2021, AFEV filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 16, 2021 (86 FR 45751).

The last notification was filed with the Department on November 30, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2023 (88 FR 4209).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06200 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical Technology Enterprise Consortium

Notice is hereby given that, on January 12, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical Technology Enterprise Consortium (''MTEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 3M Company, St. Paul, MN; Aeris LLC, Louisville, CO; Allogy LLC, Monument, CO; Applied Brain Research, Inc., Waterloo, Ontario, CAN; Beth Israel Deaconess Medical Center, Boston, MA; Career Haven LLC, Largo, MD; Charted Course LLC, Washington, DC; Cibao Cloud Technologies, Inc., Portsmouth, RI; ClearCoast USA LLC, St. Petersburg, FL; EdgeImpulse, Inc.,

San Jose, CA; EmergingDx, Inc., Mansfield, MA; Enterprise Resource Planning International LLC, Laurel, MD; First Nation Group LLC, Niceville, FL; Gothams LLC, Austin, TX; Hubly, Inc. dba Hubly Surgical, Evanston, IL; Inhance Digital Corp., Los Angeles, CA; JC3 LLC, Rockbridge Baths, VA; Life Elixir LLC, Irvine, CA; Medevac Foundation International, Alexandria, VA; Mendon Group LLC, Pittsford, NY; Neuromersive, Inc., Fort Worth, TX; ODSS Holdings, Greenville, SC; ORSA Technologies LLC, Scottsdale, AZ; Paladin Defense Services LLC, Nicholasville, KY; Red One Medical Devices LLC, Savannah, GA; Rockley Photonics, Pasadena, CA; RST-Sanexas, Las Vegas, NV; Southwest Texas Regional Advisory Council, San Antonio, TX; Texas A&M Engineering Experiment Station, Bryan, TX; The George Washington University, Washington, DC; The Regents of the University of California, Davis, CA; University of Missouri System, Columbia, MO; and University of South Florida, Tampa, FL have been added as parties to this venture.

Also, Eurofins ARCA Technology, Inc., Huntsville, AL, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on October 7, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 8, 2022 (87 FR 67494).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06182 Filed 3–24–23; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on February 14, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Carnegie Mellon University, Pittsburgh, PA; and Milkshake Technology Inc., Menlo Park, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on October 27, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 8, 2022 (87 FR 67495).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06201 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Healthcare Standards Institute Foundation

Notice is hereby given that, on January 6, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Healthcare Standards Institute Foundation (''HSI Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Healthcare Standards Institute Foundation, Grapevine, TX. The nature and scope of HSI Foundation's standards development activities are: the creation of a healthcare quality management system standard that clearly and specifically addresses patient safety, quality of care, accessibility, affordability and equity.

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06190 Filed 3–24–23; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Bytecode Alliance Foundation

Notice is hereby given that, on March 3, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Bytecode Alliance Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Profian, Raleigh, NC, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Bytecode Alliance Foundation intends to file additional written notifications disclosing all changes in membership.

On April 20, 2022, Bytecode Alliance Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 13, 2022 (87 FR 29379).

The last notification was filed with the Department on December 23, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 25, 2023 (88 FR 4850).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06215 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—Dynamic Spectrum Alliance, Inc.

Notice is hereby given that, on January 27, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Dynamic Spectrum Alliance, Inc. (''DSA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Google LLC, Mountain View, CA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSA intends to file additional written notifications disclosing all changes in membership.

On September 1, 2020, DSA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 18, 2020 (85 FR 58390).

The last notification was filed with the Department on March 22, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2023 (88 FR 4213).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06180 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium Americas

Notice is hereby given that, on January 30, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Arm Limited, Cambridge, UNITED KINGDOM, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RIC-Americas intends to file additional written notifications disclosing all changes in membership.

On April 30, 2014, RIC-Americas filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on September 1, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 7, 2022 (87 FR 67070).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06199 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open RF Association, Inc.

Notice is hereby given that, on February 2, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open RF Association, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Unisoc (Shanghai) Technologies Co., Ltd., Shanghai, PEOPLE'S REPUBLIC OF CHINA; SmartDV Technologies, Bangalore, INDIA; and Intel Corporation, Santa Clara, CA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open RF Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On February 21, 2020, Open RF Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 11, 2020 (85 FR 14247).

The last notification was filed with the Department on November 15, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 24, 2023 (88 FR 4209).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06203 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Z-Wave Alliance, Inc.

Notice is hereby given that, on February 14, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the ''Act''), Z-Wave Alliance, Inc. (the ''Joint Venture'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Grenton Sp. Zo.o, Krakow, POLAND; and Hangzhou LifeSmart Technology Co. Ltd., Hangzhou, PEOPLE'S REPUBLIC OF CHINA have joined as parties to the venture.

Also, Shipshape Solutions Inc., Austin, TX; Simon Holding SL, Barcelona, SPAIN; Townsteel Inc., City of Industry, CA; Hangzhou Hikvision Digital Technology Co., Ltd., Hangzhou City, PEOPLE'S REPUBLIC OF CHINA; Haier US Appliance Solutions, Inc. dba GE Appliances, Louisville, KY; Viewqwest Pte Ltd., Singapore, SINGAPORE; ioXt Alliance, Newport Beach, CA; Hangzhou Lifesmart Technology Co., Ltd., Hangzhou, PEOPLE'S REPUBLIC OF CHINA; Farm Automation Australia Pty. Ltd., East Bendigo, AUSTRALIA; Philio Technology Corporation, New Taipei City, TAIWAN; ILEVIA SRL, Bassano del Grappa VI, ITALY; and Allvy Technology Integrators, LLC, Spring, TX have withdrawn as parties to the venture.

No other changes have been made in either the membership or the planned activity of the venture. Membership in this venture remains open, and the Joint Venture intends to file additional written notifications disclosing all changes in membership.

On November 19, 2020, the Joint Venture filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 1, 2020 (85 FR 77241).

The last notification was filed with the Department on November 28, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 24, 2023 (88 FR 4212).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06202 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Utility Broadband Alliance, Inc.

Notice is hereby given that, on March 8, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Utility Broadband Alliance, Inc. (''UBBA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Salt River Project, Tempe, AZ; Beaches Energy Services, Jacksonville Beach, FL; Black & Veatch, Overland Park, KS; RAD, Mahwah, NJ; Charles Industries, LLC, Schaumburg, IL; and Kigen (UK) Ltd., Cambridge, UNITED KINGDOM, have been added as parties to this venture.

Also, Receptyv, LLC, San Diego, CA; and Intel, Santa Clara, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UBBA intends to file additional written notifications disclosing all changes in membership.

On May 4, 2021, UBBA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 10, 2021 (86 FR 30981).

The last notification was filed with the Department on December 13, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2023 (88 FR 4211).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06216 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rust Foundation

Notice is hereby given that, on March 1, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Rust Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AdaCore, Paris, FRANCE; and HighTec EDV-Systeme GmbH, Saarbrücken, GERMANY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Rust Foundation intends to file additional written notifications disclosing all changes in membership.

On April 14, 2022, Rust Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 13, 2022 (87 FR 29384).

The last notification was filed with the Department on December 21, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 25, 2023 (88 FR 4848).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06213 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Battery Innovation

Notice is hereby given that, on February 23, 2023, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Battery Innovation (''CBI'') has filed written notifications simultaneously with the Attorney

General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Associated Electrochemical Pvt Ltd, Bahadurgarh, INDIA; Batek Makina A.S., Kocaeli, TURKEY; Exide Industries Limited, Kolkata, INDIA; JLC EV's Limited, Lower Dicker, UNITED KINGDOM; Leoch International Technology Limited, ShenZhen, CHINA; MAC Engineering and Equipment Co., Inc., Benton Harbor, MI; Shandong Jinkeli Power Sources Technology Co., Ltd, Zibo, CHINA, and Zesar Kalipcilik Sanayi Ve Ticaret A.S., Istanbul, TURKEY, have been added as parties to this venture.

Also, Birla Carbons, Marietta, GA; and The Doe Run Company, St. Louis, MO, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CBI intends to file additional written notifications disclosing all changes in membership.

On May 24, 2019, CBI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 21, 2019 (84 FR 29241).

The last notification was filed with the Department on August 19, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 15, 2022 (87 FR 56704).

Suzanne Morris,

Deputy Director, Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2023–06217 Filed 3–24–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact).

DATES: The Council will meet in open session from 9 a.m. (EDT) until 5:30 p.m. (EDT) on May 10, 2023, and 9 a.m. (EDT) until 1:30 p.m. (EDT) on May 11, 2023.

ADDRESSES: The meeting will take place at the Hilton Cincinnati Netherland Plaza, 35 West Fifth Street, Cincinnati, OH 45202.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Chasity S. Anderson, FBI Compact Officer, Biometric Technology Center, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306, telephone 304–625–2803.

SUPPLEMENTARY INFORMATION: Thus far, the Federal Government and 34 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, immigration and naturalization matters, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system for noncriminal justice purposes.

Matters for discussion are expected to include:

(1) Potential Solutions for National Fingerprint File State Response
(2) Review of the 2022 National Finge
(3) Modernization of the *CJIS Security Policy*

The meeting will be conducted with a blended participation option. The meeting will be open to the public on a first-come, first-serve basis and seating may be limited, if necessary, due to current COVID–19 safety protocols. Virtual participation options are available. To register for participation, individuals must provide their name, city, state, phone, email address and agency/organization to *agmu@leo.gov.* Information regarding virtual participation will be provided prior to the meeting to registered individuals attending virtually.

Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify the FBI Compact Officer, Ms. Chasity S. Anderson at *compactoffice@fbi.gov,* at least 7 days prior to the start of the session. The notification should contain the individual's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation. Individuals will ordinarily be allowed up to 15 minutes to present a topic. The Compact Officer will compile all requests and submit to the Compact Council for consideration.

Individuals requiring special accommodations should contact Ms. Anderson at *compactoffice@fbi.gov* by no later than April 26, 2023. Please note all personal registration information may be made publicly available through a Freedom of Information Act request.

Chasity S. Anderson,

FBI Compact Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2023–06306 Filed 3–24–23; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 21, 2023, the Department of Justice lodged a proposed Settlement Agreement entered into with Betteroads Asphalt, LLC (''Betteroads'') in the United States Bankruptcy Court for the District of Puerto Rico in *In re Betteroads Asphalt, LLC,* Case No. 17–04156–ESL11. Betteroads is a potentially responsible party under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), at the PROTECO Superfund Site located Penuelas, Puerto Rico (the ''Site''). Under the Settlement Agreement, the United States, on behalf of the United States Environmental Protection Agency (''EPA''), will have an allowed claim in the amount of $1,095,567. This allowed claim will be paid as a Class 6 General Unsecured Claim under the terms of the First Amended Plan of Reorganization. EPA has provided a covenant not to file a civil action or take administrative action against Betteroads pursuant to sections 106 or 107 of CERCLA, 42 U.S.C. 9606 or 9607, with respect to the Site.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Betteroads Asphalt, LLC,* Case No. 17–04156–ESL11, D.J. Ref. No.

90–11–3–12289. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $3.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2023–06230 Filed 3–24–23; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Diversion Control Division Information Technology Modernization Effort

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until April 26, 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.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on January 4, 2023, at 88 FR 372, allowing for a 60-day comment period. No comments were received.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *Title of the Form/Collection:* Diversion Control Division Information Technology Modernization Effort.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There will be no form number. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and Tribal governments.

Abstract: In accordance with the Controlled Substance Act (CSA), every person who manufactures, distributes, dispenses, conducts research with, imports, or exports any controlled substance to obtain a registration issued by the Attorney General. 21 U.S.C. 822, 823, and 957. This proposed collection would allow DEA to collect information to help improve the applications developed for DEA registrants. DEA would be collecting information regarding the registrant's business activity categories, the applications they use and the frequency which they use the applications. The registrants would be rating the usefulness and performance of various applications. They would also be able to give open ended comments and suggestions regarding their experience with the applications. The proposed survey would also ask questions about registrants' experience with the DEA Diversion Control Division's website and the Support Center.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual responses	Average time per response (minutes)	Total annual hours
Survey	108,000	14	25,200
Total	108,000	.....	25,200

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 25,200 annual burden hours.

If additional information is required please contact: John R. Carlson, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 4W–218, Washington, DC 20530.

Dated: March 21, 2023.

John R. Carlson,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023–06205 Filed 3–24–23; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–23–0005; NARA–2023–023]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by May 12, 2023.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-23-0005/document.* This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov,* you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Eddie Germino, Strategy and Performance Division, by email at *regulation_comments@nara.gov* or at 301–837–3758. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Defense, Defense Threat Reduction Agency, Military Assistance Advisory Groups (DAA–0374–2020–0010).
2. Department of State, Bureau of Medical Services, Consolidated Schedule Records of the Bureau of Medical Services (DAA–0059–2020–0026).
3. Department of the Treasury, Internal Revenue Service, Certified Professional Employer Organization and 501C4 Registration System (DAA–0058–2022–0007).
4. Executive Office of the President, Office of the United States Trade Representative, Records of the United States Trade Representative (DAA–0364–2016–0001).
5. Federal Communications Commission, Office of Economics and Analytics, Study Area Boundary Collection (DAA–0173–2021–0034).
6. Federal Communications Commission, Wireline Competition Bureau, Communications Supply Chain (DAA–0173–2022–0001).
7. Federal Retirement Thrift Investment Board, Agency-wide, Participant Services Records (DAA–0474–2021–0011).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2023–06263 Filed 3–24–23; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Chartering and Field of Membership—Public Hearing; Community Charter Application for Area With a Population of 2.5 Million or More

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of public hearing.

SUMMARY: The NCUA will hold a public hearing on a request from Dade County Federal Credit Union, submitted on November 8, 2022, seeking to expand its existing community charter. The American Community Survey estimates the proposed community's population is 4,624,664 people. This public hearing is being held pursuant to the NCUA's Chartering and Field of Membership Manual, and the agency is requesting comments from interested stakeholders regarding whether the area qualifies as a well-defined local community.

DATES: The public hearing will be held on June 7, 2023, at 1 p.m. Eastern. The meeting will be held virtually via WebEx. Interested parties seeking to make presentations during the hearing must register by 12 p.m. Eastern on May 10, 2023, to be placed on a list of presenters. The applicant along with no more than seven other interested parties may request to make presentations. The first six interested parties that contact the NCUA in writing will be permitted to make such presentations. Members of the public seeking to watch or listen to the virtual meeting must register to view the public hearing. The agency will not reimburse any travel expenses for interested parties making presentations, or members of the public attending the meeting. Written comments must be submitted by May 10, 2023.

FOR FURTHER INFORMATION CONTACT: For public hearing process issues: JeanMarie Komyathy, Deputy Director; Rita Woods, Division Director of Consumer Access; or Sheila Snock, Consumer Access Program Officer, Office of Credit Union Resources and Expansion (CURE), at 1775 Duke Street, Alexandria, VA 22314, or telephone (703) 518–1150. For legal issues: Marvin Shaw, Senior Staff Attorney, Office of General Counsel at the above address or telephone (703) 518–6553.

SUPPLEMENTARY INFORMATION:

Background

The NCUA's Chartering and Field of Membership Manual provides that for an applicant seeking a community charter for an area with multiple political jurisdictions with a population of 2.5 million people or more, the Office of Credit Union Resources and Expansion (CURE) shall do the following: (1) publish a notice in the **Federal Register** seeking comment from interested parties about the proposed community and (2) conduct a public hearing about this application.[1] The preamble to the June 28, 2018, final rule, that established the public hearing process sets forth the procedures that will govern such hearings.[2] The procedures are described in the following section of this notice.

Public Hearing Procedures

The NCUA will appoint a presiding officer to oversee and conduct the public hearing. The presiding officer will have the authority and discretion to ensure that the meeting proceeds in a fair and orderly manner. The NCUA will transcribe the meeting, which will provide an administrative record to allow the agency to consider comments presented at the hearing along with those submitted in writing.

The public hearing will last no more than four hours with interested parties making presentations of no more than 30 minutes each. Only eight people may make a presentation, which includes the applicant and seven other interested parties. The first six parties in addition to the applicant that contact the NCUA in writing will be permitted to make such presentations. CURE will reserve the remaining slot, which it has the discretion to designate as eligible for a presentation by an interested party. In addition to the presentations, interested parties may submit written statements to CURE.

The NCUA will make a determination on the application no sooner than 30 calendar days after the date of the public hearing.

Request to Present: Parties requesting to make a presentation at the public hearing must submit their request via email:

To: dcamail@ncua.gov
Subject: Request to Present at NCUA's Public Hearing for Dade County Federal Credit Union

Within the body of the email, please include the following information:

1. The name, city and state, telephone number, organization (if applicable), and email address of the presenter;
2. A brief statement of the nature of the expected presentation (including whether the presenter will support, oppose, or neither support nor oppose the proposed application); and
3. The identification of any special or accessibility needs, such as sign language translation services.

NCUA will confirm the first six requests to present at the public hearing. A presenter must submit a written copy of its presentation to the NCUA by May 10, 2023.

Written Statements: Parties providing written statements must submit their statements via email or at the following URL: Public Hearings for Certain Proposed Community Charter Actions | NCUA

If submitting via email, please use the following format:

To: dcamail@ncua.gov
Subject: Submission of Written Statement for Dade County Federal Credit Union Community Charter Application Request

Written comments must be submitted by May 10, 2023.

Application Request: The information below pertains to the credit union's proposed community charter application request. The narrative the applicant submitted in support of their

[1] 12 CFR part 701, appendix B, chapter 2 section V.A.2.

[2] 83 FR 30289 (June 28, 2018). In particular, see the preamble discussion on 83 FR 30289, 30293.

position the area qualifies as a well-defined local community is also available for review within the *Regulations.gov* docket for this notice of public hearing.

Credit Union's Name: Dade County Federal Credit Union.

Credit Union's Location: Sweetwater, Florida.

Actual Members: 100,707 members as of December 31, 2022.

Population of Proposed Community: 4,624,664 (2021 5-yr ACS estimate).

Existing Field of Membership: Persons who live, work, worship, attend school, participate in programs to alleviate poverty or distress, or participate in associations headquartered in; and businesses and other legal entities, incorporated and unincorporated organizations located in, or maintaining a facility located in Miami-Dade County, Florida.

Description of Proposed Community: Persons who live, work, worship, attend school, participate in programs to alleviate poverty or distress, or participate in associations headquartered in; and businesses and other legal entities, incorporated and unincorporated organizations located in, or maintaining a facility located in Broward or Miami-Dade County, Florida.

Reason for Seeking Proposed Community: Dade County Federal Credit Union believes that its current community is an inhibitor to current and future growth as it regularly turns away would-be members from nearby neighboring Broward County who are not eligible to join through their current field of membership.

All submitted comments and presentation requests, including attachments and exhibits, will become part of the NCUA's administrative record for that proposed narrative community application. Accordingly, these materials will be available to the public. Submissions should not include personal identifiable information, trade secrets, or commercial or financial information that is privileged or confidential.

Accessibility Statement: These meetings will be open to the public virtually using a WebEx platform. The accessibility information is located at *https://www.webex.com/accessibility.html/.*

By the NCUA Board, this 22 day of March 2023.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2023–06264 Filed 3–24–23; 8:45 am]

BILLING CODE 7535–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–123 and CP2023–126]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 29, 2023.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2023–123 and CP2023–126; *Filing Title:* USPS Request to Add Priority Mail Contract 776 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 21, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* March 29, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2023–06267 Filed 3–24–23; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. *Title and purpose of information collection:* Application to Act as Representative Payee; OMB 3220–0052.

Under section 12 of the Railroad Retirement Act (45 U.S.C. 231k), the Railroad Retirement Board (RRB) may pay benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or is a minor. A representative payee may be a court-appointed guardian, a statutory conservator or an individual selected by the RRB. The procedures pertaining to the appointment and responsibilities of a representative payee are prescribed in 20 CFR 266. The forms furnished by the RRB to apply for representative payee status, and for securing the information needed to support the application follow. RRB Form AA–5, *Application for Substitution of Payee,* obtains information needed to determine the selection of a representative payee who will serve in the best interest of the beneficiary. RRB Form G–478, *Statement Regarding Patient's Capability to Manage Benefits,* obtains information about an annuitant's capability to manage their own benefits. The form is completed by the annuitant's personal physician or by a medical officer, if the annuitant is in an institution. It is not required when a court has appointed an individual or institution to manage the annuitant's funds or, in the absence of such appointment, when the annuitant is a minor. The RRB also provides representative payees with a booklet at the time of their appointment. The booklet, RRB Form RB–5, *Your Duties as Representative Payee-Representative Payee's Record,* advises representative payees of their responsibilities under 20 CFR 266.9 and provides a means for the representative payee to maintain records pertaining to the receipt and use of RRB benefits. The booklet is provided for the representative payee's convenience. The RRB also accepts records that are kept by representative payees as part of a common business practice. Completion is voluntary. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (84 FR 4223 on January 24, 2023) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Application to Act as Representative Payee.

OMB Control Number: 3220–0052.

Forms submitted: AA–5, G–478, and RB–5.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or households; business or other for profit.

Abstract: Under section 12 of the Railroad Retirement Act, the Railroad Retirement Board (RRB) may pay benefits to a representative payee when an employee, spouse or survivor annuitant is incompetent or is a minor. The collection obtains information related to the representative payee application, supporting documentation and the maintenance of records pertaining to the receipt and use of benefits.

Changes proposed: The RRB proposes the following changes to Form AA–5:

Page 1:

• Above Question 1: Inserted the words ''and signed'' in the second sentence.

• Questions 3 and 5: Added the following Note: ''Does not include Power of Attorney''.

• Question 7: Revised No options to include more clarifying information to make appropriate selection.

• Question 8: Revised second sentence to ''If the beneficiary lives alone or independently (no caregiver), show their address and telephone number.''

Page 2:

• Question 11b: At the end of the sentence, changed to ''go to item 18''.

Page 3:

• Question 16c: Added new question ''Will you charge a fee for your services?'' along with Yes and No optional responses.

Page 4:

• Question 17: Removed ''Remarks'' and replaced with new question 17 a–d and optional Yes and No responses.

• Question 18: Renumbered ''Remarks'' from 17 to 18.

• Instructions for Obtaining Form G478 section: Revised last sentence to read ''Return Form AA–5, and when required, Form G–478 to:''

Page 5:

• Certification Section Questions 18 and 19: Renumbered from 18 to 19 and 19 to 20 respectively and in question 19, renumbered reference ''Item 18'' to ''Item 19''.

Page 6:

• This Space Is For RRB Use Only section: Revised to remove all information for internal use only except for the last bullet ''I select the applicant as a representative payee for the beneficiary.''

Page 7:

• Receipt For Your Claim section: Changed Field Office hours of operation, corrected grammar syntax for the Legal Status bullet, added a bullet for reporting changes to bank account information, and replaced Office of Programs—Operations with ATTN: Field Service—9th Floor.

Page 8:

• Important Notices section 4 (1): Removed the dash to connect the word ''offices.''

The RRB proposes the following changes to Form G–478:

• Section below Form Title: Defined the address block entries for the Physician/Medical Officer entries.

• Patient Name and Address Header above Question 1: Added ''Please Print'' at the end of the header.

• Question 9: Added ''—Must Be Completed'' at the end of Certification.

The RRB proposes the following changes to Form RB–5:

• Pages 1 and 8: Changed the field office hours.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–5	*3,000*	18	*900.0*
Individuals	2,250		675.0
Institutions	750		225.0
G–478	2,000	6	200.0
RB–5	*15,300*	60	*15,300*
Individuals	11,475		11,475
Institutions	3,825		3,825

Form No.	Annual responses	Time (minutes)	Burden (hours)
Total	20,300		16,350

2. *Title and purpose of information collection:* Public Service Pension Questionnaires; OMB 3220–0136.

Public Law 95–216 amended the Social Security Act of 1977 by providing, in part, that spouse or survivor benefits may be reduced when the beneficiary is in receipt of a pension based on employment with a Federal, State, or local governmental unit. Initially, the reduction was equal to the full amount of the government pension.

Public Law 98–21 changed the reduction to two-thirds of the amount of the government pension. Public Law 108–203 amended the Social Security Act by changing the requirement for exemption to public service offset, that Federal Insurance Contributions Act (FICA) taxes be deducted from the public service wages for the last 60 months of public service employment, rather than just the last day of public service employment.

Sections 4(a)(1) and 4(f)(1) of the Railroad Retirement Act (RRA) (45 U.S.C. 231) provides that a spouse or survivor annuity should be equal in amount to what the annuitant would receive if entitled to a like benefit from the Social Security Administration. Therefore, the public service pension (PSP) provisions apply to RRA annuities. RRB regulations pertaining to the collection of evidence relating to public service pensions or worker's compensation paid to spouse or survivor applicants or annuitants are found in 20 CFR 219.64c.

The RRB utilizes Form G–208, Public Service Pension Questionnaire, and Form G–212, Public Service Monitoring Questionnaire, to obtain information used to determine whether an annuity reduction is in order. Completion of the forms is voluntary. However, failure to complete the forms could result in the nonpayment of benefits. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (85 FR 4224 on January 24, 2023) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Public Service Pension Questionnaires.

OMB Control Number: 3220–0136.

Forms submitted: G–208 and G–212.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: A spouse or survivor annuity under the Railroad Retirement Act may be subjected to a reduction for a public service pension. The questionnaires obtain information needed to determine if the reduction applies and the amount of such reduction.

Changes proposed: The RRB proposes no changes to the forms in the collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–208	70	16	19
G–212	1,100	15	275
Total	1,170		294

3. *Title and purpose of information collection:* Supplement to Claim of Person Outside the United States; OMB 3220–0155.

Under the Social Security Amendments of 1983 (Pub. L. 98–21), which amends Section 202(t) of the Social Security Act, effective January 1, 1985, the Tier I or the overall minimum (O/M) portion of an annuity, and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld. The benefit withholding provision of Public Law 98–21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Public Law 98–21.

RRB Form G–45, *Supplement to Claim of Person Outside the United States,* is currently used by the RRB to determine applicability of the withholding provision of Public Law 98–21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (84 FR 4224 on January 24, 2023) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Supplement to Claim of Person Outside the United States.

OMB Control Number: 3220–0155.

Form(s) submitted: G–45.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Public Law 98–21, the Tier I or the overall minimum portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the United States may be withheld. The collection obtains the information needed by the Railroad Retirement Board to implement the benefit withholding provisions of Public Law 98–21.

Changes proposed: The RRB proposes no changes to Form G–45.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–45	50	10	8

4. *Title and purpose of information collection:* Repayment of Debt; OMB 3220–0169.

When the Railroad Retirement Board (RRB) determines that an overpayment of Railroad Retirement Act or Railroad Unemployment Insurance Act benefits has occurred, it initiates prompt action to notify the annuitant of the overpayment and to recover the money owed the RRB. To effect payment of a debt by credit card, the RRB utilizes Form G–421F, Repayment by Credit Card. The RRB's procedures pertaining to benefit overpayment determinations and the recovery of such benefits are prescribed in 20 CFR 255 and 340. One form is completed by each respondent. Completion is voluntary.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (84 FR 4225 on January 24, 2023) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Repayment of Debt.
OMB Control Number: 3220–0169.
Form(s) submitted: G–421F.
Type of request: Extension without change of a currently approved collection.
Affected public: Individuals or Households.

Abstract: When the RRB determines that an overpayment of benefits under the Railroad Retirement Act or Railroad Unemployment Insurance Act has occurred, it initiates action to notify the claimant of the overpayment and to recover the amount owed. The collection obtains information needed to allow for repayment by the claimant by credit card, in addition to the customary form of payment by check or money order.

Changes proposed: The RRB proposes no changes to Form G–421F.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
Form G–421F (RRA) activity	360	5	30
Form G–421F (RUIA) activity	175	5	15
Total	535	.....	45

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.*

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Brian Foster,

Clearance Officer.

[FR Doc. 2023–06253 Filed 3–24–23; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–513, OMB Control No. 3235–0571]

Proposed Collection; Comment Request; Extension: Rule 206(4)–6

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

The title for the collection of information is ''Rule 206(4)–6'' under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) (''Advisers Act'') and the collection has been approved under OMB Control No. 3235–0571. The Commission adopted rule 206(4)–6 (17 CFR 275.206(4)–6), the proxy voting rule, to address an investment adviser's fiduciary obligation to clients who have given the adviser authority to vote their securities. Under the rule, an investment adviser that exercises voting authority over client securities is required to: (i) adopt and implement written policies and procedures that are reasonably designed to ensure that the adviser votes client securities in the best interest of clients, including procedures to address any material conflict that may arise between the interests of the adviser and the client; (ii) disclose to clients how they may obtain information from the adviser on how the adviser has voted with respect to their securities; and (iii) describe to clients the adviser's proxy voting policies and procedures and, on request, furnish a copy of the policies and procedures to the requesting client. The rule is designed to assure that advisers that vote proxies for their clients vote those proxies in their clients' best interest and provide clients with information about how their proxies were voted.

Rule 206(4)–6 contains ''collection of information'' requirements within the meaning of the Paperwork Reduction Act. The respondents are investment advisers registered with the Commission that vote proxies with respect to clients' securities. Advisory clients of these investment advisers use the information required by the rule to assess investment advisers' proxy voting policies and procedures and to monitor the advisers' performance of their proxy voting activities. The information required by Adviser's Act rule 204–2, a recordkeeping rule, also is used by the Commission staff in its examination and oversight program. Without the information collected under the rules, advisory clients would not have information they need to assess the adviser's services and monitor the adviser's handling of their accounts, and the Commission would be less efficient and effective in its programs.

The estimated number of investment advisers subject to the collection of information requirements under the rule

is 14,003. It is estimated that each of these advisers is required to spend on average 10 hours annually documenting its proxy voting procedures under the requirements of the rule, for a total burden of 140,030 hours. We further estimate that on average, approximately 350 clients of each adviser would request copies of the underlying policies and procedures. We estimate that it would take these advisers 0.1 hours per client to deliver copies of the policies and procedures, for a total burden of 491,050 hours. Accordingly, we estimate that rule 206(4)–6 results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 630,135 hours.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by May 26, 2023.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 21, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06173 Filed 3–24–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97176; File No. SR–CboeBYX–2023–005]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Sponsored Participant Rules 11.3(a) and 11.3(b)(2)

March 21, 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 March 9, 2023, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') proposes to amend Exchange Rule 11.3(a)–(b) to: (1) define the term ''Sponsored Access''; and (2) to codify that the agreement required by and between the Sponsoring Member and Sponsored Participant must include a provision that any Sponsored Access relationship must follow the requirements of SEC Rule 15c3–5, the Market Access Rule (''MAR'').[5] The text of the proposed rule change is provided in Exhibit 5.[6]

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.15c3–5—Risk management controls for brokers or dealers with market access.

[6] The Exchange proposes to implement the proposed changes to Rule 11.3(a)–(b)(1)–(3) on a date that will be announced via Cboe Trade Desk, notifying both existing and prospective Sponsoring Members and Sponsored Participants, of the new rule language and required contractual provisions.

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 this filing is to amend Exchange Rule 11.3(a)–(b) to: (1) define the term ''Sponsored Access''; and (2) to codify that the agreement required by and between the Sponsoring Member and Sponsored Participant must include a provision that any Sponsored Access relationship must follow the requirements of the MAR.

Sponsored Access Definition

Per current Exchange rules a ''Sponsored Participant''[7] may be a Member[8] or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member[9] pursuant to the requirements set forth in Exchange Rule 11.3(b)(1)–(3), ''Sponsored Participants''. The Exchange proposes to amend Rule 11.3(a) to include the following definition, ''Sponsored Access

[7] The term ''Sponsored Participant'' shall mean a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3. *See* Exchange Rule 1.5(x), definition of ''Sponsored Participant''.

[8] The term ''Member'' shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. *See* Exchange Rule 1.5(n), definition of ''Member''.

[9] The term ''Sponsoring Member'' shall mean a broker-dealer that has been issued a membership by the Exchange who has been designated by a Sponsored Participant to execute, clear and settle transactions from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm. *See* Exchange Rule 1.5(y), definition of ''Sponsoring Member''.

shall mean an arrangement whereby a Member permits its Sponsored Participants to enter orders into the Exchange's System that bypass the Member's trading system and are routed directly to the Exchange, including through a service bureau or other third-party technology provider.'' The Exchange notes that the proposed definition of Sponsored Access is identical to that adopted [10] by the Nasdaq Stock Market, LLC (''Nasdaq''), General 2 in Section 22, Sponsored Participants, of their General Equity and Options Rules.[11] The Exchange believes defining Sponsored Access will provide Sponsoring Members with greater clarity in understanding which types of market access relationships are subject to Exchange Rule 11.3(a)–(b),[12] and what obligations Sponsoring Members and Sponsored Participants must satisfy when establishing a Sponsored Access relationship.

Market Access Rule

The Exchange seeks to codify that the agreement currently required under Exchange Rule 11.3(b)(2), by and between the Sponsoring Member and Sponsored Participant, must include a provision that any Sponsored Access relationship must follow the requirements of the MAR. While Sponsoring Members have existing obligations under the MAR because they are providing market access to their Sponsored Participants, the Exchange believes the proposed amendment will help to reinforce such obligations. Sponsored Participants will now be required to contractually agree with their Sponsoring Members to follow the requirements of the MAR.

The Exchange believes that the proposed addition of 11.3(b)(2)(J) will reinforce to Sponsoring Members that Sponsored Access relationships must comply with the SEC's MAR, as well as Exchange rules regarding the provision of market access. As noted above, such relationships generally include where a broker-dealer allows its customer to use the broker-dealer's market participant identifier (''MPID'') or other mechanism or mnemonic to enter orders into the Exchange's System that bypass the Sponsoring Member's order handling system and are electronically routed directly to the Exchange by the Sponsored Participant, including through a service bureau or other third-party technology provider.

The Exchange notes further that the proposed addition of 11.3(b)(2)(J) is non-substantive in nature for Sponsoring Members because as broker-dealers providing market access, Sponsoring Members are already required to comply with the MAR, as well as with existing Exchange Rules regarding market access. Indeed, per the Exchange's current Sponsored Participant rules the Sponsoring Member is already responsible for all its Sponsored Participant's activity on the Exchange [13] and is required to comply with the Exchange's Certificate of Incorporation, By-Laws, Rules, and procedures.[14] This includes compliance with Rule 2.2, which requires, among other things, compliance with the Act and the regulations thereunder, including the MAR.

The proposed addition of Rule 11.3(b)(2)(J) is potentially substantive in nature to Sponsored Participants in that the proposed amendment adds a requirement to the agreement by and between the Sponsoring Member and Sponsored Participant, requiring the Sponsored Participant to contractually agree to follow the requirements of the MAR. Importantly, as part of their obligation to comply with Exchange Rules and procedures, existing Sponsoring Members will be expected to amend any existing contractual arrangements with their Sponsored Participants to include the new contractual provision proposed by the Exchange.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Defining Sponsored Access

As noted above, the Exchange believes that defining Sponsored Access will provide Sponsoring Members with greater clarity as to which types of market access relationships [18] are subject to Exchange Rule 11.3(a)–(b)(1)–(3), and what obligations Sponsoring Members and Sponsored Participants must satisfy when establishing a Sponsored Access relationship. As such, the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and serves to promote just and equitable principles of trade.

The proposed change will also help to reduce confusion by codifying a definition for such activity on the Exchange that is consistent with other industry practices currently in place elsewhere. The Exchange further notes

[10] *See* Securities and Exchange Act Release No. 34–76449) (November 27, 2015) 80 FR 73011 (November 23, 2015) (SR–NASDAQ–2015–140) (Notice of Filing and Immediate Effectiveness of the Proposed Rule Change Relating to Sponsored Access) ('Sponsored Access shall mean an arrangement whereby a member permits its customers to enter orders into the Exchange's System that bypass the member's trading system and are routed directly to the Exchange, including routing through a service bureau or other third party technology provider.'')

[11] *See* General Equity and Options Rule, General 2: General Provisions, Section 22(a), available at: *https://listingcenter.nasdaq.com/rulebook/Nasdaq/rules*.

[12] Consistent with the proposed definition, such relationships generally include where a broker-dealer allows its customer—such as a hedge fund, mutual fund, bank or insurance company, an Exchange registered market maker, an individual, or another broker-dealer—to use the broker-dealer's market participant identifier (''MPID'') or other mechanism or mnemonic to enter orders into the Exchange's System that bypass the Sponsoring Member's order handling system and are electronically routed directly to the Exchange by the Sponsored Participant, including through a service bureau or other third-party technology provider. For the avoidance of doubt, in a scenario where a Sponsored Participant is also an Exchange Member (*e.g.,* where a Sponsored Member provides market access to an Exchange Member Market Maker), (i) the Sponsored Participant will be subject to all Exchange rules and regulations applicable to *Members* acting in their own capacity, whether the Sponsored Participant accesses the Exchange via their own Membership or via a Sponsored Access arrangement; and (ii) the Sponsoring Member will be responsible for the Sponsored Participant activity just as it would for any other non-Member Sponsored Participant under Rule 11.3(b), including compliance with the MAR requirements and for compliance with the applicable Member-related activity electronically routed to the Exchange via the Sponsored Access arrangement (*e.g.,* the Sponsoring Member would be required to hold appointments and would be subject to applicable requirements as an Exchange Market Maker in the products for which the Sponsored Participant Market Maker is registered and routes orders/quotes via the Sponsored Access arrangement).

[13] *See* Rule 11.3(b)(2)(B)(1)–(2).

[14] *See* Rule 11.3(b)(2)(C).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] *Supra* note 12.

that the proposed Sponsored Access definition is reasonable and does not affect investor protection because the proposed change does not present any novel or unique issues, as the proposed Sponsored Access definition has previously been adopted by Nasdaq.[19]

Market Access Rule

As noted above, the proposed addition of 11.3(b)(2)(J) will reinforce to Sponsoring Members that Sponsored Access relationships must comply with the SEC's MAR, as well as Exchange Rules regarding the provision of market access. Also, by adding proposed paragraph 11.3(b)(2)(J), Sponsored Participants are now required to contractually agree that their Sponsored Access to the Exchange must follow the requirements of the MAR.

In this regard, the proposed amendment will help to ensure that by and between the Sponsoring Member and Sponsored Participant that all orders entered onto the Exchange pursuant to a Sponsored Access relationship will follow the requirements of the MAR. As discussed, the Exchange believes the proposed addition of 11.3(b)(2)(J) is non-substantive in nature for Sponsoring Members because as broker-dealers providing market access, Sponsoring Members are already required to comply with the MAR, as well as with existing Exchange Rules regarding market access. The proposed addition of Rule 11.3(b)(2)(J) is potentially substantive in nature to Sponsored Participants in that the proposed amendment adds a new requirement to the relationship by and between the Sponsoring Member and Sponsored Participant, requiring the Sponsored Participant to contractually agree to follow the requirements of the MAR.

Accordingly, the proposed rule change will help to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

For the reasons noted below, 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.

Defining Sponsored Access

The proposed Sponsored Access definition does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed definition merely seeks to make clear to Sponsoring Members that Sponsored Access is a relationship subject to Exchange Rule 11.3(a)–(b)(1)–(3). Moreover, Sponsored Access is a voluntary arrangement that a Sponsoring Member voluntarily elects to enter with its Sponsoring Participant. A Member is not required to become a Sponsoring Member, and in fact, may decline to enter such a relationship with its customers.

Market Access Rule

Additionally, the Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Notably, other exchanges have in place similar rules and documentation requirements applicable to sponsored participants and their sponsoring members.[20] Moreover, the proposed Sponsored Access definition is identical to that adopted by Nasdaq[21] and currently codified in their rulebook.[22]

The proposed rule change to explicitly cite the MAR in Rule 11.3(b)(2)(J) does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As noted above, this change is non-substantive as Sponsoring Members are currently responsible for complying with the MAR with respect to their provision of Sponsored Access to Sponsored Participants. While the proposed addition of Rule 11.3(b)(2)(J) is potentially substantive in nature to Sponsored Participants because it requires a Sponsored Participant to contractually agree with its Sponsoring Member to follow the requirements of the MAR, the Exchange notes the proposed contractual requirement also exists in the Nasdaq rulebook[23] and as such, should not raise any new or novel issues for consideration by Sponsored Participants.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; and (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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[24] and Rule 19b–4(f)(6)[25] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[27] the Commission may designate a shorter time of such action is consistent with the protection of investor and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that the proposed rule change could immediately benefit market participants by clarifying for Sponsoring Members which relationships are subject to the Exchange's Sponsored Access rules and promoting just and equitable principles of trade. The Exchange also states the proposed addition of 11.3(b)(2)(J) will reinforce to Sponsoring Members their obligation to comply with MAR. Because the proposed rule change does not raise any novel regulatory issues, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[28]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such

[19] *Supra* note 10.

[20] *Supra* note 11.

[21] *Supra* note 10.

[22] *Supra* note 11.

[23] *Id.*

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] 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).

action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CboeBYX–2023–005 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–CboeBYX–2023–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–CboeBYX–2023–005 and should be submitted on or before April 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06194 Filed 3–24–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97173; File No. SR–NYSEAMER–2023–19]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Replace the Thirteenth Amended and Restated Operating Agreement

March 21, 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 March 7, 2023, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (''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 replace the Thirteenth Amended and Restated Operating Agreement of the New York Stock Exchange LLC (''NYSE'') as a rule of the Exchange with the Fourteenth Amended and Restated Operating Agreement of the NYSE. 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 replace the Thirteenth Amended and Restated Operating Agreement of the NYSE (the ''Thirteenth Operating Agreement'') as a rule of the Exchange with the Fourteenth Amended and Restated Operating Agreement of the NYSE (the ''Fourteenth NYSE Operating Agreement'').

NYSE has a wholly-owned subsidiary, NYSE Market (DE), Inc. (''NYSE Market (DE), Inc.''), which owns a majority interest in NYSE Amex Options LLC (''NYSE Amex Options''), a facility of the Exchange. The Exchange and NYSE Market (DE) are the only members of NYSE Amex Options.[3] Because of NYSE's ownership of NYSE Market (DE), the Exchange filed the Thirteenth Operating Agreement of the NYSE as a ''rule of the Exchange'' under Section 3(a)(27) of the Exchange Act.[4]

On February 23, 2023, the NYSE amended the Thirteenth NYSE Operating Agreement to provide that the board of directors of its ultimate parent, Intercontinental Exchange, Inc. (''ICE,'' and its board of directors, the ''ICE Board'') or the compensation committee of the ICE Board may fix the compensation of the board of directors of the NYSE, and (b) make certain clarifying, technical and conforming changes.[5] Such rule change will become

[29] 17 CFR 200.30–3(a)(12), (59) .

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 75301 (June 25, 2015), 80 FR 37695 (July 1, 2015) (SR–NYSEMKT–2015–44) (notice of filing and immediate effectiveness of proposed rule change amending the members' schedule of the Amended and Restated Limited Liability Company Agreement of NYSE Amex Options LLC).

[4] *See* 15 U.S.C. 78c(a)(27); Securities Exchange Act Release No. 87993 (January 16, 2020), 85 FR 4050 (January 23, 2020) (SR–NYSEAMER–2020–04) (Notice of Filing and Immediate Effectiveness of Proposed Change To Add to the Rules of the Exchange the Thirteenth Amended and Restated Operating Agreement of the New York Stock Exchange LLC); *see also* Securities Exchange Act Release Nos. 82923 (March 22, 2018), 83 FR 13161 (March 27, 2018) (SR–NYSEAmer-2018–10); 79232 (November 3, 2016), 81 FR 78873 (November 9, 2016) (SR–NYSEMKT2016–96); and 75984 (September 25, 2015), 80 FR 59213 October 1, 2015) (SR–NYSEMKT2015–71) (adding previous NYSE operating agreements as rules of the Exchange).

[5] *See* SR–NYSE–2023–13 (February 23, 2023).

operative 30 days from the date on which it was filed, or such shorter time as the Commission may designate.[6]

Consistent with that change, the Exchange is filing to remove the obsolete Thirteenth NYSE Operating Agreement as a ''rule of the exchange'' under Section 3(a)(27) of the Act, and replace it with the Fourteenth NYSE Operating Agreement as a ''rule of the exchange'' under Section 3(a)(27) of the Act.[7] The Exchange proposes that the rule change become operative on the date that the rule change amending the Thirteenth NYSE Operating Agreement becomes operative.

The proposed rule change is a non-substantive administrative change that does not impact the governance or ownership of the Exchange, its facility NYSE Amex Options, or NYSE Amex Options' direct and indirect parent entities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act[8] in general, and with Section 6(b)(1)[9] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The Exchange believes that the proposed rule change would contribute to the orderly operation of the Exchange and would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members because, by removing the obsolete Thirteenth NYSE Operating Agreement and making the Fourteenth NYSE Operating Agreement a rule of the Exchange, the Exchange would be ensuring that its rules remain consistent with the NYSE operating agreement in effect.

The Exchange notes that, as with the Thirteenth NYSE Operating Agreement, it would be required to file any changes to the Fourteenth NYSE Operating Agreement with the Commission as a proposed rule change.[10] In addition, the Exchange believes that the proposed changes are consistent with and will facilitate an ownership structure of the Exchange's facility NYSE Amex Options that will provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Exchange Act with respect to NYSE Amex Options and its direct and indirect parent entities.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act[11] because the proposed rule change would be consistent with and facilitate a governance and regulatory structure that 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 removing the Thirteenth NYSE Operating Agreement from its rules and adding the Fourteenth NYSE Operating Agreement would remove impediments to the operation of the Exchange by ensuring that its rules remain consistent with the NYSE operating agreement in effect. The Exchange notes that, as with the Thirteenth NYSE Operating Agreement, no amendment to the Fourteenth NYSE Operating Agreement could be made without the Exchange filing a proposed rule change with the Commission. For the same reasons, the proposed rule change is also designed to protect investors as well as the public interest.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue but rather is concerned solely with ensuring that the Commission will have the ability to enforce the Exchange Act with respect to NYSE Amex Options and its direct and indirect parent entities.

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 [sic.]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(3)[13] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may 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 under Section 19(b)(2)(B)[14] 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–NYSEAMER–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–NYSEAMER–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

[6] *Id.,* at 10.

[7] 15 U.S.C. 78c(a)(27).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] The Exchange notes that any amendment to the Fourteenth NYSE Operating Agreement would require that NYSE file a proposed rule change with the Commission.

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(3).

[14] 15 U.S.C. 78s(b)(2)(B).

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–NYSEAMER–2023–19 and should be submitted on or before April 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06192 Filed 3–24–23; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–630, OMB Control No. 3235–0689]

Proposed Collection; Comment Request; Extension: Rule 203A–2(d)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The title of the collection of information is: ''Exemption for Certain Multi-State Investment Advisers (Rule 203A–2(d)).'' Its currently approved OMB control number is 3235–0689. 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.

Pursuant to section 203A of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–3a), an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless that adviser has at least $25 million in assets under management or advises a Commission-registered investment company. Section 203A also prohibits from Commission registration an adviser that: (i) has assets under management between $25 million and $100 million; (ii) is required to be registered as an investment adviser with the state in which it maintains its principal office and place of business; and (iii) if registered, would be subject to examination as an adviser by that state (a ''mid-sized adviser''). A mid-sized adviser that otherwise would be prohibited may register with the Commission if it would be required to register with 15 or more states. Similarly, Rule 203A–2(d) under the Act (17 CFR 275.203a–2(d)) provides that the prohibition on registration with the Commission does not apply to an investment adviser that is required to register in 15 or more states. An investment adviser relying on this exemption also must: (i) include a representation on Schedule D of Form ADV that the investment adviser has concluded that it must register as an investment adviser with the required number of states; (ii) undertake to withdraw from registration with the Commission if the adviser indicates on an annual updating amendment to Form ADV that it would be required by the laws of fewer than 15 states to register as an investment adviser with the state; and (iii) maintain in an easily accessible place a record of the states in which the investment adviser has determined it would, but for the exemption, be required to register for a period of not less than five years from the filing of a Form ADV relying on the rule.

Respondents to this collection of information are investment advisers required to register in 15 or more states absent the exemption that rely on rule 203A–2(d) to register with the Commission. The information collected under rule 203A–2(d) permits the Commission's examination staff to determine an adviser's eligibility for registration with the Commission under this exemptive rule and is also necessary for the Commission staff to use in its examination and oversight program. This collection of information is codified at 17 CFR 275.203a–2(d) and is mandatory to qualify for and maintain Commission registration eligibility under rule 203A–2(d). Responses to the recordkeeping requirements under rule 203A–2(d) in the context of the Commission's examination and oversight program are generally kept confidential.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 110. These advisers will incur an average one-time initial burden of approximately 8 hours, and an average ongoing burden of approximately 8 hours per year, to keep records sufficient to demonstrate that they meet the 15-state threshold. These estimates are based on an estimate that each year an investment adviser will spend approximately 0.5 hours creating a record of its determination whether it must register as an investment adviser with each of the 15 states required to rely on the exemption, and approximately 0.5 hours to maintain these records. Accordingly, we estimate that rule 203A–2(d) results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 880 hours. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by May 26, 2023.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Acting Director/Chief

[15] 17 CFR 200.30–3(a)(12).

Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: March 21, 2023.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06224 Filed 3–24–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97181; File No. SR–FINRA–2023–003]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rules To Address Duplicative Requirements

March 21, 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 March 10, 2023, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. 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

FINRA is proposing, in light of member obligations relating to the Consolidated Audit Trail (''CAT''), to amend FINRA Rule 4590 (Synchronization of Member Business Clocks), amend FINRA Rule 6250 (Quote and Order Access Requirements), eliminate FINRA Rule 6431 (Recording of Quotation Information), and amend FINRA Rule 6439 (Requirements for Member Inter-Dealer Quotation Systems).

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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 National Market System Plan governing the Consolidated Audit Trail (the ''CAT NMS Plan'')[3] is intended to create, implement, and maintain a consolidated audit trail that will capture in a single consolidated data source customer and order event information for orders in NMS securities[4] and OTC equity securities,[5] across all markets, from the time of order inception through routing, cancellation, modification, or execution.[6] FINRA is filing the proposed rule change to amend FINRA rules in light of the CAT NMS Plan to eliminate duplicative requirements or otherwise clarify regulatory obligations. Specifically, FINRA is proposing amendments to: (1) clarify overlapping clock synchronization requirements for members; (2) delete duplicative requirements relating to order and quote recording and reporting requirements in connection with the alternative display facility (''ADF''); (3) delete duplicative requirements relating to the reporting of quotation information for OTC equity securities; and (4) delete duplicative requirements relating to the submission of order-level quotation information for OTC equity securities.[7]

[3] FINRA and the national securities exchanges filed the CAT NMS Plan with the Commission pursuant to Section 11A of the Exchange Act and Rule 608 of Regulation NMS thereunder, and it was approved by the SEC on November 15, 2016. *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (''CAT Approval Order'').

[4] *See* Rule 600(b)(54) of Regulation NMS.

[5] *See* FINRA Rule 6420(f).

[6] *See e.g.,* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (August 1, 2012).

[7] The proposed rule change would also update cross-references in FINRA Rules 6220, 6275 and 6279, including updating citations to Rule 600(b) of Regulation NMS.

Synchronization of Member Business Clocks

FINRA Rule 4590 requires members to synchronize their business clocks, including computer system clocks and mechanical time stamping devices, that are used for purposes of recording the date and time of any event that must be recorded pursuant to the FINRA By-Laws or other FINRA rules. Rule 4590 further requires that business clocks, including computer system clocks and manual time stamp machines, be synchronized to within a one second tolerance of the National Institute of Standards (NIST) atomic clock, except that computer system clocks that are used to record events in NMS securities, including standardized options, and OTC equity securities, must be synchronized to within a 50-millisecond tolerance of the NIST clock. FINRA adopted Rule 4590 before the CAT NMS Plan was approved and before FINRA adopted Rule 6820.

FINRA Rule 6820 (Clock Synchronization)[8] addresses clock synchronization obligations pursuant to the CAT NMS Plan and prescribes the requirements for industry members in synchronizing their business clocks. FINRA is therefore proposing amendments to clarify that Rule 4590 applies only where Rule 6820 does not. Therefore, Rule 6820, rather than Rule 4590, would apply to business clocks used to record events for NMS securities and OTC equity securities, but Rule 4590 would apply to business clocks that record events in debt securities. This proposed rule change is intended solely to eliminate overlapping rule requirements and promote clarity.

Alternative Display Facility Quote and Order Access Requirements

FINRA Rule 6250 provides quoting and order access requirements for members that utilize FINRA's ADF to display quotes in an ADF-eligible security.[9] Pursuant to Rule 6250, ADF Trading Centers[10] must record and report to FINRA on a daily basis specified order information. Among other things, paragraph (b) of Rule 6250 requires an ADF Trading Center to record and report orders originated,

[8] Rule 6820 falls under the CAT Compliance Rule Series.

[9] FINRA Rule 6220(a)(2) defines an ''ADF-eligible security'' as an NMS stock as defined by SEC Regulation NMS.

[10] FINRA Rule 6220(a)(4) defines an ''ADF trading center'' as a registered reporting ADF market maker, or a registered reporting ADF electronic communications network that is a ''trading center,'' as defined by SEC Regulation NMS, and that is certified, pursuant to Rule 6250, to display its quotations or orders through the ADF.

received, transmitted, modified, canceled, or executed by other broker-dealers via direct or indirect access and paragraph (c) requires an ADF Trading Center to record and report to FINRA certain information for each order that is part of a displayed bid or offer on the ADF, or the execution details, if any, of each order that is part of a displayed bid or offer.

FINRA is proposing amendments to Rule 6250 to delete requirements that are duplicative of requirements under the CAT NMS Plan or that are otherwise unnecessary to oversee the ADF. Specifically, FINRA Rule 6830 (Industry Member Data Reporting) [11] requires members, including members meeting the definition of an ADF Trading Center, to comply with the reporting requirements of the CAT NMS Plan. Pursuant to Rule 6830(a), Industry Members must report to the CAT Central Repository information with respect to orders originated, received, transmitted, modified, canceled, or executed by other broker-dealers, which is duplicative of the requirements currently specified in Rule 6250(b) and (c). Accordingly, FINRA is proposing to delete Rule 6250(b) and 6250(c) in their entirety to avoid unnecessary or duplicative regulatory requirements.[12]

FINRA has confirmed that the information required to be submitted by members pursuant to Rule 6830(a) is sufficient for FINRA oversight of the ADF. Specifically, the following items proposed to be deleted under Rule 6250(b)(1) are available in CAT data: unique order identifier; order entry firm; order side; order quantity; symbol; order price; time in force; order date; order time; minimal acceptable quantity; and ADF trading center. In addition, the following items proposed to be deleted under Rule 6250(b)(2) are available in CAT data: unique order identifier; order response time; quantity; and price. The following items proposed to be deleted under Rule 6250(c)(1) are available in CAT data: symbol; side; price; quantity; order date and time of receipt; order instructions; firm identifiers and capacity information; quote identifier; quote price; and quote time. Order response, which is proposed to be deleted under Rule 6250(b)(1), is derivable from CAT data, as CAT tracks all related events in the lifecycle of an order, such as cancellations, modifications, and order or route acceptances. FINRA notes that every order submitted to the CAT Central Repository is assigned a unique order identifier, which FINRA believes obviates the need for a separate internal order identifier as is currently required under Rule 6250(c)(1). FINRA also has access to information in the CAT Central Repository regarding whether an order is marked short sale exempt.[13] With respect to the recordkeeping requirements of Rule 6250(b), FINRA notes that Rule 6890 (Recordkeeping) requires industry members to maintain and preserve records of the information required to be recorded under the CAT Compliance Rule Series for the period of time and accessibility specified in SEA Rule 17a–4(b) and SEA Rule 17a–4(f), obviating the need for the separate recordkeeping provisions of Rule 6250(b).[14]

Recording of Quotation Information in OTC Equity Securities

FINRA Rule 6431 was implemented in 2003 to provide FINRA with access to quotation data for ''OTC equity securities,'' as defined under FINRA Rule 6420 (Definitions),[15] to facilitate FINRA's oversight of members and, when necessary, reconstruct market activity.[16] Rule 6431 generally requires OTC Market Makers [17] that display quotations on a non-FINRA- or non-member-operated inter-dealer quotation system (''IDQS'') to record information about their quotations and to report the information to FINRA upon request, including, *e.g.,* trade date, time the quotation is displayed, security name and symbol. Rule 6431 does not require such information to be recorded or reported by the IDQSs themselves. Due to changes in the marketplace, members have not reported quotation data to FINRA pursuant to Rule 6431 for several years since the IDQS that previously was not a FINRA member became a FINRA member. Because Rule 6431 only applies to quotation activity occurring on a non-FINRA- or non-member-operated IDQS, members were not required to report quotation data that occurred on a member system pursuant to Rule 6431. Today, FINRA has access to quotation information occurring on an IDQS necessary to conduct its oversight functions because member IDQSs are subject to the CAT NMS Plan, which requires members to, among other things, report specified order and quote information to the CAT Central Repository. Accordingly, FINRA is proposing to delete Rule 6431.

Requirements for Member Inter-Dealer Quotation Systems

FINRA adopted Rule 6439 to, among other things, expand and enhance the obligations of member IDQSs that permit quotation updates on a real-time basis in OTC equity securities.[18] Pursuant to Rule 6439(d), covered IDQSs must submit to FINRA on a monthly basis specified aggregate and order-level information for orders in OTC equity securities. FINRA is proposing to delete paragraph (d)(1)(B) of Rule 6439, which was adopted before comparable information for OTC equity securities was being reported to CAT. Rule 6439(d)(2) specifically provides that member IDQSs are not required to report to FINRA any of the items of information specified in Rule 6439(d)(1)(B) if, at a minimum, the items specified in Rule 6439 (d)(1)(B)(i) through (xi) are subject to reporting to the CAT under Rule 6830. The information specified in Rule 6439 (d)(1)(B)(i) through (xi) became subject to CAT reporting on December 31, 2021 and therefore Rule 6439(d)(1)(B), by its terms, does not apply to any FINRA members in light of CAT obligations. Therefore, FINRA is proposing to delete Rule 6439(d)(1)(B) because members currently are required to report comparable data pursuant to the CAT NMS Plan. Specifically, the following items proposed to be deleted under Rule 6439(d)(1)(B) are required to be reported to the CAT Central Repository: buy/sell; security symbol; price; size, all or none indicator; order entry firm identifier; order receipt time; time in force; and executed quantity. Response time and order response are derivable through CAT data, as CAT tracks all related events in the lifecycle of an order, such

[11] Rule 6830 falls under the CAT Compliance Rule Series.

[12] FINRA proposes to renumber Rules 6250(d), 6250(e), 6250(f), 6250(g) and 6250(h) as Rules 6250(b), 6250(c), 6250(d), 6250(e), and 6250(f) in light of the proposed deletion of Rules 6250(b) and 6250(c).

[13] Rule 6250(c)(1) also requires members to submit to FINRA the reason for any short sale exemption as well as the identity of the clearing member. Neither of these items of information are currently available in the CAT Central Repository; however, obtaining this information through daily submissions is not necessary for FINRA to effectively oversee ADF activity. Should the facts and circumstances of any particular matter warrant obtaining additional insight into the reasons for a short sale exemption or the identity of a clearing member, FINRA would contact the relevant member to request the relevant information.

[14] *See* Rule 6800 Series (Consolidated Audit Trail Compliance Rule).

[15] *See* Rule 6420.

[16] *See* Securities Exchange Act Release No. 47587 (March 27, 2003), 68 FR 16328 (April 3, 2003) (Order Approving File No. SR–NASD–2000–042). *See also Notice to Members* 03–28 (June 2003).

[17] FINRA Rule 6420(g) generally defines ''OTC Market Maker'' as a member of FINRA that holds itself out as a market maker by entering proprietary quotations or indications of interest for a particular OTC equity security in any IDQS, including any system that the SEC has qualified pursuant to Section 17B of the Act.

[18] *See* Securities Exchange Act Release No. 92105 (June 3, 2021); 86 FR 30663 (June 9, 2021) (Order Approving File No. SR–FINRA–2020–031).

as cancellations, modifications, and order or route acceptances.

FINRA has filed the proposed rule change for immediate effectiveness.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act, [19] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and Section 15A(b)(9) of the Act, [20] which requires that FINRA rules not impose any burden on competition that is not necessary or appropriate. FINRA believes that the proposed rule change will eliminate overlapping, duplicative or otherwise unnecessary rule requirements and promote clarity and consistency regarding member obligations under FINRA rules.

FINRA believes that this proposed rule change is consistent with the Act because it implements, interprets or clarifies the provisions of the CAT NMS Plan, and is designed to assist FINRA and its Industry Members in meeting regulatory obligations pursuant to the CAT NMS Plan. In approving the CAT NMS Plan, the SEC noted that the CAT NMS Plan ''is necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of a national market system, or is otherwise in furtherance of the purposes of the Act.'' [21] To the extent that the proposed rule change implements, interprets or clarifies the CAT NMS Plan and applies specific requirements to Industry Members, FINRA believes that the proposed rule change furthers the objectives of the CAT NMS Plan, as identified by the SEC, and is therefore consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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 proposed rule change brings clarity and consistency to FINRA rules without adding any burden on firms.

[19] 15 U.S.C. 78*o*–3(b)(6).

[20] 15 U.S.C. 78*o*–3(b)(9).

[21] *See* CAT Approval Order, *supra* note 4.

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 on this 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) of the Act [22] and Rule 19b–4(f)(6) thereunder.[23]

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–FINRA–2023–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2023–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2023–003 and should be submitted on or before April 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06196 Filed 3–24–23; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78s(b)(3)(A).

[23] 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. FINRA has satisfied this requirement. 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97174; File No. SR–BOX–2023–09]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce a New Historical Data Product To Be Known as the Intraday Open-Close Data Report and To Adopt Fees for Such Product

March 21, 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 March 6, 2023, BOX Exchange LLC (the ''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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 introduce a new data product to be known as the Intraday Open-Close Data Report and to adopt fees for such product. The Exchange also proposes to add an academic discount for Open-Close Data Report End-of-Day Ad-hoc Requests as well as to clarify that the existing free trial is only available for the Open-Close Data Report End-of-Day Subscription. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *https://rules.boxexchange.com/rulefilings.*

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to introduce a new data product on BOX to be known as the Intraday Open-Close Data Report, which will be available for purchase to BOX Participants and non-Participants. The Exchange also proposes to adopt fees for the Intraday Open-Close Data Report. The Exchange will make the Intraday Open-Close Data Report available for purchase to Participants and non-Participants on the BOX website (*www.boxoptions.com*). The Exchange notes that a substantially similar product and fees for such product currently exist at other exchanges.[5]

The Exchange currently offers the Open-Close Data Report End-of-Day Subscription and End-of-Day Ad-hoc Request, to Participants and non-Participants, which is a volume summary file for trading activity on BOX. The Exchange notes that the file contains proprietary BOX trade data and does not include trade data from any other exchanges. It is also a historical data product and not a real time data feed. The Open-Close Data Report End-of-Day Subscription is distributed at the end of each day and aggregates and buckets the volume by origin (Public Customer, Professional Customer, Broker Dealer, and Market Maker), buying/selling, and opening/closing criteria. Public Customer and Professional Customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts). The Open-Close Data Report End-of-Day Ad-hoc Request provides the same information for a requested historical time period for any number of months beginning with January 2018.[6]

The Exchange now proposes to (1) offer an Intraday Open-Close Data Report; (2) assess a fee for the Intraday Open-Close Data Report; (3) add an academic discount for Open-Close Data Report End-of-Day Ad-hoc Requests; and (4) clarify that the existing free trial only applies to the Open-Close Data Report End-of-Day Subscription. The Intraday Open-Close Data Report would include the aggregated data described above, but would be produced and updated every 10 minutes during the trading day. Data would be captured in ''snapshots'' taken every 10 minutes throughout the trading day and would be available to subscribers within five minutes of the conclusion of each 10 minute period. For example, subscribers to the Intraday Open-Close Data Report product would receive the first calculation of intraday data no later than 9:45 a.m. ET, which represents data captured from 9:30 a.m. to 9:40 a.m. Subscribers would receive the next update by 9:55 a.m., representing the data previously provided aggregated with data captured up to 9:50 a.m., and so forth. Each update will represent combined data captured from the current ''snapshot'' and all previous ''snapshots'' and thus will provide open-close data on an aggregate basis. As detailed above, the Intraday Open-Close Data Report will aggregate the volume by origin (Public Customer, Professional Customer, Broker Dealer, and Market Maker), buying/selling, and opening/closing criteria. Public Customer and Professional Customer volume is further broken down into trade size buckets (less than 100 contracts, 100–199 contracts, greater than 199 contracts).

The Exchange believes the proposed Intraday Open-Close Data Report may provide helpful trading information regarding investor sentiment and may be used to create and test trading models and analytical strategies and provides comprehensive insight into trading on BOX. It is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential subscribers may purchase it only if they voluntarily choose to do so. As stated above, other options exchanges offer a similar data product.[7]

The Exchange proposes to provide in its Fee Schedule that Participants and non-Participants may purchase the Intraday Open-Close Data Report on a subscription basis. The Exchange proposes to assess a monthly fee of $1500 for subscribing to the Intraday Open-Close Data Report.

The Exchange also proposes to assess a fee of $500 per request for up to a year of data for Open-Close Report End-of-Day Ad-hoc Requests by academic purchasers for academic purposes only and not for actual securities trading. The Exchange notes that other exchanges provide a similar fee for a similar product.[8]

Lastly, the Exchange proposes to clarify that the existing free trial is only available for the Open-Close Data Report End-of-Day Subscription and not the Intraday Open-Close Data Report Subscription.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] F17 CFR 240.19b–4(f)(2).

[5] *See* Miami International Securities Exchange, LLC (''MIAX'') Fee Schedule *and* Cboe Exchange, Inc (''Cboe'') Fee Schedule *and* NYSE Arca, Inc (''NYSE Arca'') Fee Schedule. MIAX, Cboe, and NYSE Arca all offer intraday open-close reports to market participants. Further, MIAX, Cboe, and NYSE Arca charge $2,000 per month for the intraday open-close report at their respective exchanges.

[6] *See* Securities Exchange Act Release No. 93394 (October 21, 2021), 86 FR 59439 (October 27, 2021) (''adopting Open-Close Data Report'').

[7] *See supra* note 5.

[8] *See* Cboe C2 Exchange, Inc. (''C2'') Fee Schedule *and* Nasdaq ISE, LLC (''Nasdaq ISE'') Options 7, Section 10A.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[9] in general, and Section 6(b)(5) of the Act,[10] 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 Intraday Open-Close Data Report and to adopt an academic discount for the Open-Close Data Report End-of-Day Ad-hoc Request is consistent with Section 6(b) of the Act in general, and further the objectives of Section 6(b)(4) of the Act [11] in particular, in that it provides for an equitable allocation of dues, fees and other charges among its members and other recipients of Exchange data.

The proposed rule change would benefit investors by providing access to the Intraday Open-Close Data Report, which may promote better informed trading throughout the trading day. Particularly, information regarding opening and closing activity across different option series during the trading day may indicate investor sentiment, which may allow market participants to make better informed trading decisions throughout the day. Subscribers to the data may also be able to enhance their ability to analyze option trade and volume data and create and test trading models and analytical strategies. The Exchange believes the Intraday Open-Close Data Report provides a valuable tool that subscribers can use to gain comprehensive insight into the trading activity in a particular series, but also emphasizes such data is not necessary for trading.

As noted herein, other exchanges currently offer a substantially identical data product.[12] Like the proposed product, the other exchanges' market data products provide such data to subscribers cumulatively every 10 minutes and within five minutes of the conclusion of each 10 minute period.

The Exchange notes that it operates in a highly competitive environment where there are currently 16 registered options exchanges that trade options. 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.'' [13] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's data product as more or less attractive than the competition they can and do switch between similar products. The proposed fees are a result of the competitive environment, as the Exchange seeks to adopt fees to attract purchasers of the proposed Intraday Open-Close Data Report Subscription.

The Exchange believes the proposed fees are reasonable as the proposed fees are both modest and similar to the fees assessed by other exchanges that provide similar data products.[14] Proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Like the Exchange's proposed Intraday Open-Close Data Report, other exchanges offer similar data products that each provide insight into trading on those markets and may likewise aid in assessing investor sentiment. Although each of these similar open-close data products provide only proprietary trade data and not trade data from other exchanges, it's possible investors are still able to gauge overall investor sentiment across different option series based on open and closing interest on any one exchange.[15] Similarly, market participants may be able to analyze option trade and volume data, and create and test trading models and analytical strategies using only intraday open-close data relating to trading activity on one or more of the other markets that provide similar data products. As such, if a market participant views another exchange's intraday open-close data product as more attractive than the proposed Intraday Open-Close Data Report, then such market participant can merely choose not to purchase the Exchange's Intraday Open-Close Data Report and instead purchase another exchange's open-close data product, which offers similar data points, albeit based on that other market's trading activity.

The Exchange also believes the proposed fees are reasonable as they would support the introduction of a new market data product that is designed to aid investors by providing insight into trading on BOX. The proposed Intraday Open-Close Data Report would provide options market participants with valuable information about opening and closing transactions executed on the Exchange, similar to other historical trade data products offered by competing options exchanges. In turn, this data would assist market participants in gauging investor sentiment and trading activity, resulting in potentially better-informed trading decisions. As noted above, users may also use such data to create and test trading models and analytical strategies.

The Exchange 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. The Exchange's proposed fees would not differentiate between subscribers that purchase Intraday Open-Close Data Report and are set at a modest level that would allow any interested Participant or non-Participant to purchase such data based on their business needs.

Selling historical market data, such as the Intraday Open-Close Data 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 Intraday Open-Close Data 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 offered by other exchanges. The Exchange therefore believes that the proposed fees for the Intraday Open-Close Data Report reflect the competitive environment and would be properly assessed on Participant or non-Participant users.

The Exchange reiterates that the decision as to whether or not to purchase the Intraday Open-Close Data Report is entirely optional for all potential subscribers. Indeed, no market participant is required to purchase the Intraday Open-Close Data Report, and the Exchange is not required to make the Intraday Open-Close Data Report

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(4).

[12] *See supra* note 5.

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[14] *See supra* note 5.

[15] The Exchange notes that its proposed Intraday Open-Close Data Report does not include data on any exclusive, singly-listed option series.

available to all investors. Rather, the Exchange is voluntarily making the Intraday Open-Close Data Report available, as requested by customers, and market participants may choose to receive (and pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data.

The Exchange believes further that the academic discount of the Open-Close Data Report End-of-Day Ad-hoc Request is reasonable because academic users are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic purchasers to purchase an Open-Close Data Report End-of-Day Ad-hoc Request, and, as a result, promote research and studies of the options industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic purchasers for academic purposes only and not for actual securities trading. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because academic purchasers do not use the data for vocational, commercial or other for-profit purposes. The Exchange notes that other exchanges offer similar academic discounts.[16]

Lastly, the Exchange believes that not extending the free trial to the Intraday Open-Close Data Report Subscription is reasonable because the Open-Close Data Report End-of-Day Subscription, for which there is a free trial, provides the same data elements as the Intraday Open-Close Data Report Subscription only with less frequency. The Exchange believes further that clarifying the existing free trial only applies to the Open-Close Data Report End-of-Day Subscription is consistent with the Act, as it may reduce potential investor or market participant confusion regarding the Exchange's fees.

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 not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that similar products and fees are offered at other exchanges.[17] The Exchange believes that the proposal will promote competition by permitting the Exchange to introduce and sell a data product similar to those offered by other competitor options exchanges.[18] The Exchange is proposing to introduce the Intraday Open-Close Data Report in order to keep pace with changes in the industry and evolving customer needs and believes this proposed rule change would contribute to robust competition among national securities exchanges. As noted, at least three other U.S. options exchanges offer a market data product that is substantially similar to the Intraday Open-Close Data Report product discussed herein. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges.

Furthermore, the Exchange operates in a highly competitive environment, and its ability to price the proposed data product is constrained by competition among exchanges that offer similar data products to their customers. As discussed, there are currently a number of similar products available to market participants and investors. At least three other U.S. options exchanges offer a market data product that is substantially similar to the Intraday Open-Close Data Report discussed herein, which the Exchange must consider in its pricing discipline in order to compete for historical market data purchasers. For example, proposing fees that are excessively higher than established fees for 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 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 and lower their prices to better compete with the Exchange's offering. The Exchange does not believe the proposed rule change would cause any unnecessary or inappropriate burden on intramarket competition. Particularly, the proposed product and fee applies uniformly to any purchaser, in that it does not differentiate between subscribers that purchase the Intraday Open-Close Data Report. The proposed fees are set at a modest level that would allow any interested Participants or non-Participants to purchase such data based on their business needs.

The Exchange also does not believe that the proposed academic discount will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the exchanges are not competing for academic purchasers. Rather, the Exchange believes that academic purchasers' research and publications as a result of access to historical market data benefits all market participants. The Exchange notes that other exchanges currently offer similar historical data to academic purchasers at a discounted price.[19]

Further, the Exchange does not believe that the proposed academic discount will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because academic purchasers do not use the data for vocational, commercial or other for-profit purposes. The Exchange notes that all academic purchasers are treated equally and all Participants and non-Participants are treated equally.

As such, the Exchange does not believe that the proposed rule change will impose any burden on competition 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 has neither solicited nor received comments on 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) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

[16] *See supra* note 8.

[17] *See supra* note 5.

[18] *Id.*

[19] *See supra* note 8.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization 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.

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [22] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. As other exchanges offer similar products to their members, the proposal does not raise new or novel issues. For these reasons, the Commission designates that the proposed rule change to be operative immediately upon filing.[24]

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–BOX–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–BOX–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 Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–BOX–2023–09 and should be submitted on or before April 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06193 Filed 3–24–23; 8:45 am]

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[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] 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. 15 U.S.C. 78c(f).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, March 30, 2023.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

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

Dated: March 23, 2023.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2023–06399 Filed 3–23–23; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97178; File No. SR–OCC–2022–012]

Self-Regulatory Organizations; Options Clearing Corporation; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Concerning the Options Clearing Corporation's Collateral Haircuts and Standards for Clearing Banks and Letters of Credit

March 21, 2023.

I. Introduction

On December 5, 2022, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2022–

012 (''Proposed Rule Change'') pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to change rules, policies, and procedures regarding collateral haircuts, minimum standards for clearing banks and letter-of-credit issuers, and concentration limits for letters of credit.[3] The Proposed Rule Change was published for public comment in the **Federal Register** on December 23, 2022.[4] The Commission has received comments regarding the Proposed Rule Change.[5]

On February 3, 2023, pursuant to Section 19(b)(2) of the Exchange Act,[6] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change.[7] This order institutes proceedings, pursuant to Section 19(b)(2)(B) of the Exchange Act,[8] to determine whether to approve or disapprove the Proposed Rule Change.

II. Summary of the Proposed Rule Change

OCC is a central counterparty (''CCP''), which means it interposes itself as the buyer to every seller and seller to every buyer for financial transactions. As the CCP for the listed options markets in the U.S.,[9] as well as for certain futures, OCC is exposed to certain risks arising from its relationships with its members as well as the banks that support OCC's clearance and settlement services. Such risks include credit risk because OCC is obligated to perform on the contracts it clears even where one of its members defaults. OCC manages credit risk, in part, by collecting collateral from members (*i.e.,* margin and Clearing Fund resources) sufficient to cover OCC's credit exposure to Clearing Members under a wide range of stress scenarios. In doing so, OCC requires its Clearing Members to deposit collateral as margin to support obligations on short options, futures contracts, and other obligations arising within the members' accounts at OCC. OCC also requires its members to deposit collateral serving as Clearing Fund assets to protect OCC, should the margin of a defaulting member be insufficient to address the potential losses from the defaulting member's positions. OCC imposes a haircut to collateral to address the risk that such collateral may be worth less in the future than at the time it was pledged to OCC. With regard to risks posed by the banks that support OCC's clearance and settlement services, OCC maintains standards for third-party relationships, such as those with banks through which OCC conducts settlement (''Clearing Banks''), and banks that issue letters of credit that Clearing Members may deposit as margin collateral.

As described in the Notice of Filing,[10] OCC proposes to revise its rules, including certain policies,[11] to make the following three changes related to the management of collateral haircuts and banking relationships:

(1) Replace the current processes for applying haircuts to Government and Government-Sponsored Enterprise (''GSE'') debt securities provided as collateral [12] with a new process for applying fixed collateral haircuts that it would set and adjust from time to time, based on a process defined in OCC's Collateral Risk Management Policy;

(2) Codify internal standards for Clearing Banks and letter-of-credit issuers in OCC's Rules to provide transparency on minimum standards for banking relationships that are critical to OCC's clearance and settlement services; and

(3) Authorize OCC to set more restrictive concentration limits for letters of credit than those limits currently codified in its Rules.

III. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [13] to determine whether the Proposed Rule Change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the Proposed Rule Change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the Proposed Rule Change, providing the Commission with arguments to support the Commission's analysis as to whether to approve or disapprove the Proposed Rule Change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[14] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the Proposed Rule Change's consistency with Section 17A of the Exchange Act,[15] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Exchange Act,[16] which requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions; and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; and
- Section 17A(b)(3)(I) of the Exchange Act,[17] which requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the Proposed Rule Change. In particular, the Commission invites the written views of interested persons concerning whether the Proposed Rule Change is consistent with Sections 17A(b)(3)(F) and (I) of the Exchange Act,[18] or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4(g) under the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing *infra* note 4, at 87 FR at 79015.

[4] Securities Exchange Act Release No. 96533 (Dec. 19, 2022), 87 FR 79015 (Dec. 23, 2022) (File No. SR–OCC–2022–012) (''Notice of Filing'').

[5] Comments on the Proposed Rule Change are available at *https://www.sec.gov/comments/sr-occ-2022-012/srocc2022012.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] Securities Exchange Act Release No. 96797 (Feb. 3, 2023), 88 FR 8505 (Feb. 9, 2023) (File No. SR–OCC–2022–012).

[8] 15 U.S.C. 78s(b)(2)(B).

[9] OCC describes itself as ''the sole clearing agency for standardized equity options listed on a national securities exchange registered with the Commission ('listed options').'' *See* Notice of Filing *supra* note 4, 87 FR at 79015.

[10] *See* Notice of Filing *supra* note 4.

[11] These policies include the Collateral Risk Management Policy, Margin Policy, and System for Theoretical Analysis and Numerical Simulation Methodology Description. *Id.*

[12] Generally, OCC defines, by rule, specific haircuts for Government and GSE debt securities. For margin collateral specifically, OCC currently also has authority to value such securities using Monte Carlo simulations as part of its margin methodology.

[13] 15 U.S.C. 78s(b)(2)(B).

[14] *Id.*

[15] 15 U.S.C. 78q–1.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] 15 U.S.C. 78q–1(b)(3)(I).

[18] 15 U.S.C. 78q–1(b)(3)(F) and (I).

Act,[19] any request for an opportunity to make an oral presentation.[20]

Interested persons are invited to submit written data, views, and arguments regarding whether the Proposed Rule Change should be approved or disapproved by April 11, 2023. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 25, 2023.

The Commission asks that commenters address the sufficiency of OCC's statements in support of the Proposed Rule Change, which are set forth in the Notice of Filing,[21] in addition to any other comments they may wish to submit about the Proposed Rule Change.

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–OCC–2022–012 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–OCC–2022–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the Proposed Rule Change that are filed with the Commission, and all written communications relating to the Proposed Rule Change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

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–OCC–2022–012 and should be submitted on or before April 11, 2023. Rebuttal comments should be submitted by April 25, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023–06195 Filed 3–24–23; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 240.19b–4(g).

[20] Section 19(b)(2) of the Exchange Act grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[21] *See* Notice of Filing, *supra* note 4.

[22] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17814 and #17815; New York Disaster Number NY–00219]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA–4694–DR), dated 03/15/2023.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 12/23/2022 through 12/28/2022.

DATES: Issued on 03/15/2023.

Physical Loan Application Deadline Date: 05/15/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 12/15/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/15/2023, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Erie, Genesee, Niagara, Saint Lawrence, Suffolk

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 17814 B and for economic injury is 17815 0.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2023–06204 Filed 3–24–23; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17818 and #17819; Vermont Disaster Number VT–00045]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Vermont

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA–4695–DR), dated 03/20/2023.

Incident: Severe Storm and Flooding.

Incident Period: 12/22/2022 through 12/24/2022.

DATES: Issued on 03/20/2023.

Physical Loan Application Deadline Date: 05/19/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 12/20/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and

Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/20/2023, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 17818 6 and for economic injury is 17819 0.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2023–06209 Filed 3–24–23; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 12024]

Notice of Charter Renewal for the Shipping Coordinating Committee

The official designation of this advisory committee is the Shipping Coordinating Committee, hereinafter referred to as ''the Committee.''

The Committee is established under the general authority of the Secretary of State and the Department of State (''the Department'') as set forth in title 22 of the United States Code, in particular section 2656 of that title, and consistent with the Federal Advisory Committee Act, as amended (5 U.S.C. 1001 *et seq.*). The approval of this Charter by the Under Secretary of State for Management constitutes a determination by the Secretary of State that this Committee Charter is in the public interest in connection with the performance of duties of the Department.

In accordance with Public Law 92–463, section 14, it has been formally determined to be in the public interest to continue the Charter for another two years. The Charter was filed on March 16, 2023.

For further information about the Committee, please contact Emily A. Rose, Executive Secretary, Shipping Coordinating Committee, U.S. Department of State, Office of Ocean and Polar Affairs, at *RoseEA@state.gov* or by telephone at (202) 647–3946.

Emily A. Rose,

Executive Secretary, Shipping Coordinating Committee, U.S. Department of State.

[FR Doc. 2023–06259 Filed 3–24–23; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 12021]

30-Day Notice of Proposed Information Collection: Application Under the Hague Convention on the Civil Aspects of International Child Abduction

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to April 26, 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.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application Under the Hague Convention on the Civil Aspects of International Child Abduction.
- *OMB Control Number:* 1405–0076.
- *Type of Request:* Renewal of a previously approved collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS–3013, 3013s.
- *Respondents:* Person seeking return of or access to child.
- *Estimated Number of Respondents:* 332.
- *Estimated Number of Responses:* 332.
- *Average Time per Response:* 60 minutes.
- *Total Estimated Burden Time:* 332 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application Under the Hague Convention on the Civil Aspects of International Child Abduction (DS–3013 and DS 3013–s) is used by parents or legal guardians who are requesting the State Department's assistance in seeking the return of, or access to, a child or children alleged to have been wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (the Convention). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or

access. The State Department, as the U.S. Central Authority for the Convention, uses this information to establish, if possible, the applicants' claims under the Convention; to inform applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention. 22 U.S.C. 9008 is the legal authority that permits the Department to gather this information.

Methodology

The completed form DS–3013 and DS 3013-s may be submitted to the Office of Children's Issues by mail, by fax, or electronically accessed through *www.travel.state.gov.*

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2023–06210 Filed 3–24–23; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 12025]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Gold Bust of Marcus Aurelius From Avenches'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Gold Bust of Marcus Aurelius from Avenches'' at the J. Paul Getty Museum at the Getty Villa, Pacific Palisades, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Scott Weinhold,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023–06262 Filed 3–24–23; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 12023]

30-Day Notice of Proposed Information Collection: Smart Traveler Enrollment Program

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to April 26, 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.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Smart Traveler Enrollment Program.
- *OMB Control Number:* 1405–0152.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services.
- *Form Number:* DS–4024, 4024e.
- *Respondents:* United States Citizens and Nationals.
- *Estimated Number of Respondents:* 1,010,389.
- *Estimated Number of Responses:* 1,010,389.
- *Average Time per Response:* 20 minutes.
- *Total Estimated Burden Time:* 336,796 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Smart Traveler Enrollment Program (STEP) makes it possible for U.S. Citizens and Nationals to register on-line from anywhere in the world. In the event of a family emergency, natural disaster or international crisis, U.S. embassies and consulates rely on this registration information to provide registrants with critical information and assistance. One of the main legal authorities for use of this form is 22 U.S.C. 2715.

Methodology

Ninety-nine percent of responses are received via electronic submission on the internet. The service is available on the Department of State, Bureau of Consular Affairs website *http://travel.state.gov* at *https://step.state.gov/step/.* The paper version of the collection permits respondents who do not have internet access to provide the information to the U.S. embassy or consulate by fax, mail or in person.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2023–06211 Filed 3–24–23; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 12022]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Canova: Sketching in Clay'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Canova: Sketching in Clay'' at the National Gallery of Art, Washington, DC, the Art Institute of Chicago, Chicago, Illinois, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Scott Weinhold,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023–06223 Filed 3–24–23; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2023 Emergency Relief Grants for Public Transportation Systems Affected by Major Declared Disasters in Calendar Years 2017, 2020, 2021, and 2022

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of availability of emergency relief funding.

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for $212,301,048 in grants under the Public Transportation Emergency Relief Program (Emergency Relief Program) for states, territories, local government authorities, Indian tribes, and other FTA recipients affected by major declared disasters in calendar years 2017, 2020, 2021, and 2022. FTA may award additional funding made available to the program prior to the announcement of project selections. Projects may include costs for disaster response, recovery, and rebuilding activities. Costs related to the COVID–19 pandemic are not eligible for this funding. FTA will distribute these funds in a manner consistent with the eligibility requirements of this program, subject to the priorities set forth below.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by May 26, 2023.

FOR FURTHER INFORMATION CONTACT: Thomas Wilson, Emergency Relief Program Manager, Office of Program Management, 1200 New Jersey Ave. SE, Washington, DC 20590, phone: (202) 366–5279, or email, *Thomas.Wilson@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

A. Program Description

Extreme weather and other destructive events occurring during calendar years 2017, 2020, 2021, and 2022 resulted in major disaster declarations across the Unites States. Transit systems in these disaster-affected areas may have provided emergency transportation services and may also have sustained damage to capital assets.

Federal public transportation law (49 U.S.C. 5324) provides FTA with the authority to reimburse public transportation emergency response and recovery costs after an emergency or major disaster that affects public transportation systems when funding is appropriated. As such, public transportation agencies, States, territories, local governmental authorities, Indian tribes, and other FTA grant recipients that provide or fund public transportation service in the affected areas may be eligible for Emergency Relief funding under the program contingent upon having experienced an eligible disaster and incurred associated costs that have not yet been reimbursed by FEMA or another entity. FTA will allocate funds consistent with the requirements of the final rule for the Emergency Relief Program, 49 CFR 602.

B. Federal Award Information

The Consolidated Appropriations Act, 2023 (Pub. L. 117–328), signed into law on December 29, 2022, appropriated $213,905,338 for FTA's Emergency Relief Program for transit systems affected by major declared disasters occurring in calendar years 2017, 2020, 2021, and 2022.

Of the $213,905,338 appropriated, 0.75%, or a total of $1,604,290 is set aside for administrative expenses and ongoing program management oversight activities as authorized under the Consolidated Appropriations Act, 2023, leaving $212,301,048 available for allocation to eligible recipients. FTA will make awards in the form of grants. Funds are available until expended.

Pre-award authority allows recipients to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. Pre-award authority as it relates to the Emergency Relief Program is described in the Emergency Relief Program final rule (49 CFR 602.11). FTA will grant pre-award authority to affected recipients for response, recovery, and rebuilding expenses incurred because of major declared disasters occurring in calendar years 2017, 2020, 2021, and 2022. Pre-award authority applies to expenses incurred in preparation for such disasters when forecasts specific to the disasters were available. Expenses incurred for general disaster preparedness are not eligible.

If a recipient intends to use pre-award authority for recovery and rebuilding expenses, FTA recommends the

recipient work with the appropriate FTA regional office to verify that all proposed costs are eligible under the Emergency Relief Program in advance of incurring any costs to the extent practicable. FTA regional office contact information can be found at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

C. Eligibility Information

1. Eligible Applicants

Public transportation agencies, States, territories, local governmental authorities, Indian tribes, and other FTA grant recipients that provide or fund public transportation service are eligible for Emergency Relief funding under the program. Entities that generally receive transit funding directly from FTA may apply for these funds according to the instructions in this Notice of Availability of Emergency Relief Funding (NAERF). Public transit systems that are not FTA direct recipients (*i.e.,* are subrecipients) but have incurred eligible expenses may receive Emergency Relief funding through a pass-through entity, such as a State or designated recipient. Please see *www.fema.gov/disasters* for a list of major disaster declarations, areas designated for Public Assistance, and incident periods. Transit systems that have been reimbursed by FEMA for emergency relief expenses or have used FTA formula funds to pay for emergency relief expenses may not apply for funds available through this Notice for activities already funded.

2. Cost Sharing or Matching

The maximum Federal share for all grants awarded via this notice is 90 percent of the net project cost unless the project is in response to or recovery from a major declared disaster in an insular area, in which case the maximum Federal share is 100 percent (48 U.S.C. 1469a). Applicants may request a waiver of the non-Federal share requirement (49 U.S.C. 5324(e)(3)). FTA's ability to provide a waiver and fully fund an applicant's request may depend on total requests from all applicants.

Eligible sources of non-Federal matching funds include:

i. Cash from non-governmental sources other than revenues from providing transit services (such as fare revenues);

ii. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues;

iii. Monies received under a service agreement with a State or local social service agency or private social service organization;

iv. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

v. In-kind contributions integral to the project;

vi. Revenue bond proceeds for a capital project, with prior FTA approval; and

vii. Transportation Development Credits (formerly referred to as Toll Revenue Credits).

The Community Development Block Grant (CDBG) program (42 U.S.C. 5305(a)(9)) provides that ''payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under [chapter 53 of title 42]'' is an eligible activity. Since the CDBG statute specifically states it is available to fund the ''non-Federal share'' of other Federal grant programs, if the activity is eligible under the CDBG program, FTA will accept CDBG funds as local match.

3. Eligible Projects

Eligible projects include public transportation emergency operations, emergency protective measures, emergency repairs, and permanent repairs. For emergency service operations, service must be in addition to, or otherwise different than, regular service to be eligible. Farecards and lost fare revenue are not eligible expenses. Cost-effective resilience measures may be incorporated into replacement and repair projects.

To be considered eligible for funding described in this Notice, expenses must have been, or will be, incurred in a county designated as eligible for any category of Federal Emergency Management Agency (FEMA) Public Assistance—or incurred by transit agencies in the geographic area affected by the disaster by providing services to persons displaced from such counties—for an event that the President has declared a Major Disaster under the Stafford Act, other than the COVID–19 Pandemic, with an incident period partially or entirely occurring within calendar years 2017, 2020, 2021, or 2022. Recipients are strongly encouraged to review FTA's Emergency Relief Manual, found at *https://www.transit.dot.gov/funding/grant-programs/emergency-relief-program/emergency-relief-manual-reference-manual-states,* and FTA's Emergency Relief Frequently Asked Questions at *https://www.transit.dot.gov/faq?combine&term_node_tid_depth=2666* to assist in the identification of potentially eligible projects and emergency expenses. Projects funded by FEMA, FTA formula funds, other Federal funds or insurance proceeds are not eligible.

D. Application and Submission Information

1. Address To Request Application Package

Applications may be accessed, and must be submitted, electronically through *GRANTS.GOV*. General information for accessing and submitting applications through *GRANTS.GOV* can be found at *https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding,* along with specific instructions for the forms and attachments required for submission. Mail or fax submissions will not be accepted. The required SF–424 Application for Federal Assistance can be downloaded from *GRANTS.GOV*, and the required supplemental form can also be downloaded from *GRANTS.GOV*.

2. Content and Form of Application Submission

a. Proposal Submission

A complete proposal submission consists of two forms: (1) the SF–424 Application for Federal Assistance; and (2) the supplemental form. The supplemental form and any supporting documents must be attached to the ''Attachments'' section of the SF–424. The application must include responses to all sections of the SF–424 Application for Federal Assistance and the supplemental form, unless designated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to review the proposal against the criteria described in part E of this notice. Failure to submit the information as requested can delay review or disqualify the application.

FTA will accept only one supplemental form per SF–424 submission. FTA encourages applicants to consider submitting a single supplemental form that includes multiple activities as one project to be evaluated as a consolidated proposal. Applicants may include projects and operating expenses associated with multiple disaster events in the same application.

Applicants may attach additional supporting information to the SF–424 submission, including but not limited to documentation supporting the applicant's eligibility for the grant program, operating expenses incurred, or project budgets. Supporting

documentation should be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, and description of areas served may be requested in varying degrees of detail on both the SF–424 and supplemental form. Applicants must fill in all fields unless otherwise stated on the forms. Applicants should not place ''N/A'' or ''refer to attachment'' in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms and ensure that the Federal and local amounts specified are consistent.

b. Application Content

The SF–424 Application for Federal Assistance and the supplemental form will prompt applicants for the required information:

i. Applicant Name
ii. Unique entity identifier (generated by *SAM.GOV*)
iii. Key contact information (including contact name, address, email address, and phone)
iv. Congressional district(s) in which project is located
v. Project information (including title, executive summary, and type)
vi. A detailed description of the project
vii. A list of projects that identifies emergency operations, emergency protective measures, and emergency repairs completed as well as permanent repairs needed to repair, reconstruct or replace seriously damaged or destroyed rolling stock, equipment, facilities, and infrastructure to a state of good repair. This list must also indicate the Major Declared Disaster that caused the damage or operational expense to be incurred. If the applicant received FEMA or other Federal funds, used FTA formula funds or received insurance proceeds for some activities related to a disaster but not all activities, the applicant must include a list of activities already funded and the source of funds.
viii. A description of the technical, legal, and financial capacity of the applicant
ix. A detailed project budget
x. An explanation of the scalability of the project
xi. Details on the non-Federal matching funds
xii. A detailed project timeline

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) be registered in *SAM.GOV* before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant has an exception approved by FTA or the U.S. Office of Management and Budget under 2 CFR 25.110(c) or (d).

All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if there is a need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *https://www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern Time on May 26, 2023. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Mail and fax submissions will not be accepted.

FTA urges applicants to submit applications at least 72 hours prior to the deadline to allow time to correct any problems that may have caused either *GRANTS.GOV* or FTA systems to reject the submission. Proposals submitted after the deadline will be considered only if lateness was due to extraordinary circumstances not under the applicant's control. Deadlines will not be extended due to scheduled website maintenance. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) registration in SAM is renewed annually; and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

FTA Emergency Relief Program funds may not be used to reimburse project costs for which a transit system has received payments from insurance policies or from another Federal agency, including FEMA, or that were funded with any other FTA funds. Please see FTA's Emergency Relief Manual for a complete list and description of ineligible expenses.

Allowable direct and indirect expenses must be consistent with the Government-wide Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) and FTA Circular 5010.1E.

E. Application Review Information

1. Review Criteria

Projects will be reviewed primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. FTA will review project proposals based on the criteria described in this notice.

In the event the funding requested exceeds the amount available, applicants are encouraged to identify scaled options to fund a project at less than the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided. Responses to the Local Financial Commitment; Project Implementation Strategy; and Technical, Legal, and Financial Capacity criteria described below will not be used to disqualify applications but may be used to determine which applicants may need additional technical assistance to implement a grant award and to the extent necessary, evaluate any requests for a waiver of the local match requirement.

(a) Projects and Expenses

FTA will review operating and capital expenses along with damage assessments or damage estimates to confirm that project costs are eligible. FTA will also review information about insurance coverage and proceeds received and any other Federal funding that has been applied to project costs.

i. Documentation To Support Emergency Operating Requests

Applications must include the purpose of the emergency public transportation service provided, which may include: evacuations; rescue operations; moving rolling stock to higher ground to protect it from storm surges; additional bus or ferry service to replace inoperable rail service or to detour around damaged areas; returning evacuees to their homes after the disaster; and the net project costs related to reestablishing, expanding, or relocating public transportation service before, during, or after the disaster. The application must include the dates, hours, number and type of vehicles, and information relating to fares received for the emergency service. Only net project costs may be reimbursed.

ii. Documentation To Support Capital Requests

Applications must include copies of detailed damage assessments to support the request for assistance for capital projects. Some applicants may have previously worked with FTA or FEMA to develop damage assessments which may be included in the application. Typically, a damage assessment involves on-the-ground visits to the damage sites to verify the extent of the damage and to estimate the cost of repairs eligible for Emergency Relief funding. The damage assessment should document: (1) The specific location, type of facility or equipment, nature and extent of damage; (2) the most feasible and practical method of repair or replacement; and (3) the estimated repair or replacement cost.

(b) Local Financial Commitment

Applicants must identify the sources of funding for the total project cost, including other Federal funding if applicable, and the local cost share, and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. Applicants should submit evidence of the availability of funds for the project, by including, for example, a board resolution, letter of support from the State, a budget document highlighting the line item or section committing funds to the proposed project, or other documentation of the source of other non-Federal funds.

Applicants must provide supporting documentation showing any other sources of funding available to address the damage resulting from a disaster, including, but not limited to, insurance policies and grant agreements with FEMA. FTA will not fund activities already included in an obligated grant with FEMA. Any applicant to FTA's Emergency Relief Program that has also applied to FEMA for emergency funding must document the scope of any agreements with FEMA, including amounts obligated and drawn down, the dates for which FEMA agreed to fund any operating costs, and a list of any capital projects included in the FEMA application or equivalent document.

Applicants requesting assistance for expenses related to Hurricanes Harvey, Irma, or Maria must identify if the applicant has previously received an allocation of FTA Public Transportation Emergency Relief Funds in Response to Hurricanes Harvey, Irma, and Maria and identify the expenses the previous allocations are reimbursing.

(c) Project Implementation Strategy

Projects will be reviewed based on the extent to which the project is ready to implement within a reasonable period of time and whether the applicant's proposed implementation plans are reasonable and complete.

In assessing whether the project is ready to implement within a reasonable period of time, FTA will consider whether the project qualifies for a categorical exclusion (CE), or whether the required environmental work has been initiated or completed for projects that require an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (NEPA). As such, applicants should submit information describing the project's completed or anticipated path and timeline through the environmental review process. If the applicant anticipates the project will qualify for a CE, the applicant must say so explicitly in the application. Emergency Relief projects may qualify for a CE as described in (F)(2)(d) of this Notice. A full list of FTA's CEs can be found at 23 CFR 771.118. The proposal must also state whether grant funds can be obligated within 12 months from time of award, if selected.

In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project implementation plan, including all necessary project milestones and the overall project timeline. For projects that will require formal coordination, approvals, or permits from other agencies or project partners, the applicant must demonstrate coordination with these organizations and their support for the project, such as through letters of support.

(d) Technical, Legal, and Financial Capacity:

Applicants must demonstrate that they have the technical, legal, and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project. Additional information on the compliance requirements for these grants appears later in this notice.

Applicants with outstanding legal, technical, or financial compliance issues from an FTA compliance review or FTA grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the project.

2. Review and Selection Process

The FTA Administrator will determine the final allocation of funding for each applicant after reviewing the information provided via this notice and validating damage assessments and cost estimates. FTA reserves the right to request additional information prior to

making a determination as to Emergency Relief funding eligibility of any particular project. In the event the appropriated funding is not sufficient to fund all eligible projects, in determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, and whether an applicant is from a small urban or rural area or is a tribal government. FTA may also consider capping the amount a single applicant may receive.

3. Integrity and Performance Review

Prior to making an award with a total amount of Federal share greater than the simplified acquisition threshold (currently $250,000), FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIIS) accessible through *SAM.GOV.* An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

F. Federal Award Administration Information

1. Federal Award Notices

Final project selections will be posted on the FTA website. Only proposals from eligible recipients for eligible activities will be considered for funding. There is no minimum or maximum grant award amount.

2. Administrative and National Policy Requirements

(a) Pre-Award Authority

Pre-award authority allows recipients to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. Pre-award authority as it relates to the Emergency Relief Program is described in the Emergency Relief Program final rule (49 CFR 602.11). In considering the use of pre-award authority, recipients should be aware of the following:

i. Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all activities undertaken by the applicant will be eligible for inclusion in the project.

ii. Except as waived pursuant to the waiver process described in this notice, all FTA statutory, procedural, and contractual requirements must be met.

iii. The recipient must take no action that prejudices the legal and administrative findings that FTA must make in order to approve a project, such as purchasing property prior to the completion of NEPA.

iv. The Federal amount of any future FTA assistance awarded to the recipient for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/non-Federal match ratio at the time the funds are obligated.

v. When FTA subsequently awards a grant for the project, the Federal Financial Report in TrAMS indicates the use of pre-award authority.

FTA grants pre-award authority to affected recipients for response, recovery, and rebuilding expenses incurred as a result of eligible major declared disasters as described in this Notice. Pre-award authority applies to expenses incurred in preparation for such disasters when forecasts specific to the disasters were available. Expenses incurred for general disaster preparedness are not eligible.

If a recipient intends to use pre-award authority for recovery and rebuilding expenses, FTA recommends the recipient work with the appropriate FTA regional office to verify that all of the proposed costs are eligible under the Emergency Relief Program in advance of incurring any costs to the extent practicable. FTA regional office contact information can be found at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

(b) Waiver of Remaining Useful Life Requirement

FTA is implementing a blanket waiver to relieve FTA recipients from its useful life requirement with respect to assets that were destroyed as a result of an eligible major declared disaster as described in this Notice and taken out of service before the end of their useful life. Such assets are presumed to have no remaining useful life. As a result of this waiver, recipients may apply for funds to replace assets without regard to the Federal interest remaining in the destroyed asset.

Although FTA has determined that federally-funded assets destroyed by major declared disasters have no remaining useful life, recipients may have a financial obligation to FTA for assets that have a fair market value (FMV) in excess of $5,000 at the time of disposition. For disposition requirements, please see FTA Circular 5010.1E, ''Award Management Requirements,'' chapter IV, subsection 4 and associated Frequently Asked Questions at *https://www.transit.dot.gov/funding/grants/bipartisan-infrastructure-law-disposition-requirements-frequently-asked-questions.*

(c) Treatment of Insurance Proceeds

As described in the Emergency Relief Program Manual, and consistent with the Emergency Relief Program final rule (49 CFR 602) and FTA Circular 5010.1E: Award Management Requirements, if a recipient receives or allocates insurance proceeds to a cost for which FTA either allocated or obligated Emergency Relief Program funds, the recipient will be required to amend the grant to reflect a reduced Federal amount, and will be required to reimburse FTA for any FTA payments (drawdown of funds) in excess of the new Federal amount. FTA will deobligate any excess or unliquidated funds from the grant. FTA may subsequently reallocate these funds through the Emergency Relief Program for other eligible projects.

In the event a recipient receives insurance proceeds for an asset and decides not to replace that asset, the waiver of useful life described in this Notice does not apply, and the recipient must reimburse FTA the remaining Federal interest in that asset in accordance with FTA Circular 5010.1E.

(d) Emergency Relief From FTA Regulatory Requirements

Recipients may request waivers of FTA administrative requirements by submitting a request to *https://www.regulations.gov,* FTA docket number FTA–2023–0001, as described in the Emergency Relief Program final rule (49 CFR 602.15), however, recipients should not proceed with a project with the expectation that waivers will be provided. FTA recommends recipients discuss waiver requests with their FTA regional offices prior to submission to the docket. Buy America waivers are not processed through the emergency relief docket; the process for Buy America waivers can be found in 49 CFR 661.9. Certain FTA regulatory requirements are waived during and after major declared disasters:

i. *Charter:* Transit agencies may take actions, such as providing service for evacuations, returning evacuees from shelters to their homes, transporting utility workers, and providing service to shelter residents, as long as these

actions are directly related to a declaration of emergency by the President, governor, or mayor, without triggering the Charter Service rule (49 CFR 604). Transit agencies may provide such services for up to 45 days from the declaration of emergency.

ii. *NEPA:* FTA has determined that certain activities related to repairing transportation facilities damaged by an incident resulting in a Presidential disaster or emergency declaration are eligible for a CE (23 CFR 771.118(c)(11)). These actions include: Emergency repairs performed under FTA's Emergency Relief Program (49 U.S.C. 5324) or the repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action: (1) occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction), and (2) begins within a 2-year period beginning on the date of the declaration. Recipients should capitalize on the opportunity created by emergency events to incorporate resiliency principles in restoration activities under this program. Incorporation of resiliency principles would help conserve Federal resources by avoiding repetitive damage to these facilities as a result of similar disasters and to avoid significant damage from other potential hazards.

iii. *Procurement:* Generally, procurement of goods and services by transit agencies must be completed via a competitive procurement. However, Federal regulations (2 CFR 200.320) permit noncompetitive contracting when the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. If a recipient will conduct a noncompetitive procurement under an FTA award, it must document its justification in writing at the time of the procurement.

(e) Grant Requirements

Once FTA allocates Emergency Relief funds to a recipient, the recipient will be required to submit a grant application electronically via FTA's TrAMS system.

FTA will assign distinct project identification numbers for recovery/rebuilding projects.

Recipients are required to maintain records, including but not limited to all invoices, contracts, time sheets, and other evidence of expenses to assist FTA in validating the eligibility and completeness of a recipient's reimbursement requests under the Improper Payment Information Act.

In the application, the eligible recipient should provide the information outlined in the Emergency Relief final rule (49 CFR 602.17). For grant applications for reimbursement for emergency operations costs, applicants should include summary information as described in the final rule (dates, hours, number of vehicles, and total fare revenues, if any, received for the emergency service), as well as cost and a description of services in sufficient detail for FTA to identify the costs as reasonable and eligible under the Emergency Relief Program. Backup or supporting documentation may be requested upon FTA's review of the application or at a later date. Any costs determined to be ineligible after disbursement of funds must be refunded to FTA.

All recipients are subject to the grant requirements of the Public Transportation Emergency Relief program (49 U.S.C. 5324), FTA's Master Agreement for financial assistance awards, and the annual Certifications and Assurances required of applicants. This includes section 21 of the Master Agreement, which provides the recipient ''will comply with the insurance requirements normally imposed by its state and local laws, regulations, and ordinances,'' and for those recipients with structures in a floodplain, ''the Recipient agrees and assures that its Third Party Participants will agree to comply with flood insurance laws and guidance.'' Before receiving a grant under FTA's Public Transportation Emergency Relief Program, recipients must submit documentation demonstrating proof of any insurance required under Federal law for all structures related to the grant application and certify they have insurance for those structures as required by State law as well. Insurance required under certain circumstances under Federal law includes, but may not be limited to, flood insurance and insurance for facilities previously repaired, restored, or rehabilitated with assistance received under the Stafford Act (see section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act).

All recipients must also follow the Award Management Requirements (FTA Circular 5010.1E) and the labor protections required by Federal public transportation law (49 U.S.C. 5333(b)). All of these documents are available on FTA's website. Technical assistance regarding these requirements is available from each FTA regional office.

(f) Buy America and Domestic Preference for Infrastructure Projects

As expressed in Executive Order 14005, 'Ensuring the Future Is Made in All of America by All of America's Workers' (86 FR 7475), the Executive Branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Therefore, all capital procurements must comply with FTA's Buy America requirements (49 U.S.C. 5323(j)), which require that all iron, steel, and manufactured products be produced in the United States. In addition, any award must comply with the Build America, Buy America Act (BABA) (Pub. L. 117–58, sections 70901–27). BABA provides that none of the funds provided under an award made pursuant to this notice may be used for a project unless all iron, steel, manufactured products, and construction materials are produced in the United States. FTA's Buy America requirements are consistent with BABA requirements for iron, steel, and manufactured products.

Any proposal that will require a waiver of any domestic preference standard must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

(g) Civil Rights Requirements

As a condition of a grant award, grant recipients must demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR 21), the Americans with Disabilities Act of 1990 (ADA) and implementing regulations (49 CFR 37, 38 and 39), and section 504 of the Rehabilitation Act and implementing regulations (49 CFR 27), all other civil rights requirements, and accompanying regulations. This should include a current title VI plan, completed Community Participation Plan (alternatively called a Public Participation Plan and often part of the overall title VI program plan), if applicable. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded

grant recipients to ensure full compliance with Federal civil rights requirements.

(h) Disadvantaged Business Enterprise

Recipients of planning, capital, or operating assistance that will award prime contracts (excluding transit vehicle purchases), the cumulative total of which exceeds $250,000 in FTA funds in a Federal fiscal year, must comply with the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR 26).

To be eligible to bid on any FTA-assisted vehicle procurement, entities that manufacture transit vehicles or perform post-production alterations or retrofitting must be certified Transit Vehicle Manufacturers (TVM). If a vehicle remanufacturer is responding to a solicitation for new or remanufactured vehicles with a vehicle to which the remanufacturer has provided post-production alterations or retrofitting (*e.g.,* replacing major components such as engine to provide a ''like new'' vehicle), the vehicle remanufacturer must be a certified TVM.

The TVM rule requires that, prior to bidding on any FTA-assisted vehicle procurement, manufacturers of transit vehicles submit a DBE Program plan and annual goal methodology to FTA. FTA then will issue a TVM concurrence and certification letter. Grant recipients must verify each manufacturer's TVM status before accepting its bid. A list of eligible TVMs is posted on FTA's website at *https://www.transit.dot.gov/TVM.* Recipients should contact FTA before accepting a bid from a manufacturer not on this list. In lieu of using a certified TVM, a recipient may establish project-specific DBE goals for its vehicle procurement. FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Monica McCallum, FTA Office of Civil Rights, 206–220–7519, *Monica.McCallum@dot.gov.*

(i) Planning

In accordance with the planning regulation (23 CFR 450), emergency relief projects that do not involve substantial functional, locational, or capacity changes are not required to be in the Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP).

(j) Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports. Applicant should include goals, targets, and indicators referenced in their application to the project in the Executive Summary of the TrAMS application.

FTA is committed to making evidence-based decisions guided by the best available science and data. In accordance with the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), FTA may use information submitted in discretionary funding applications; information in FTA's Transit Award Management System (TrAMS), including grant applications, Milestone Progress Reports (MPRs), Federal Financial Reports (FFRs); transit service, ridership and operational data submitted in FTA's National Transit Database; documentation and results of FTA oversight reviews, including triennial and state management reviews; and other publicly available sources of data to build evidence to support policy, budget, operational, regulatory, and management processes and decisions affecting FTA's grant programs.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals. If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in appendix XII to 2 CFR 200.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Public Transportation Emergency Relief Program manager, Thomas Wilson, by phone at (202) 366–5279, or by email at *Thomas.Wilson@dot.gov.* A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. To ensure receipt of accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. For issues with *GRANTS.GOV,* please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.* Contact information for FTA's regional offices can be found on FTA's website at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

H. Other Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in section C. All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If an applicant submits information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it ''Contains Confidential Business Information (CBI);'' (2) mark each page that contains confidential information with ''CBI;'' (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FTA will protect confidential information complying with these requirements to the extent required under applicable law. If FTA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FTA will follow the procedures described in DOT's FOIA regulations at 49 CFR 7.29. Only information that is in the separate

document, marked in accordance with this section, and ultimately determined to be confidential will be exempt from disclosure under FOIA.

Nuria I. Fernandez,

Administrator.

[FR Doc. 2023–06250 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2023–0066]

Request for Comments on the Renewal of a Previously Approved Information Collection: Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length To Obtain a Fishery Endorsement

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection OMB 2133–0530 (Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement) is necessary for MARAD to determine if a particular vessel is owned and controlled by United Sates citizens and is eligible to receive a fishery endorsement to its documentation. A minor change request to include privacy act statements for the collection of personally identifiable information will be added to the affidavits for this collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995. A 60-day **Federal Register** Notice soliciting comments on the following information collection was published on January 19, 2023 (**Federal Register** 3459, Vol. 88, No.12).

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael C. Pucci, (202) 366–5167, Division of Maritime Programs, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: *michael.pucci@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Requirements for Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement.

OMB Control Number: 2133–0530.

Type of Request: Renewal of a previously approved information collection.

Abstract: In accordance with the American Fisheries Act of 1998 (AFA), owners of vessels of 100 feet or greater who wish to obtain a fishery endorsement are required to file an Affidavit of United States Citizenship with MARAD. The information collected will be used by MARAD to determine if a vessel is owned and controlled by citizens of the United States in accordance with the requirements of the AFA of 1998 and, therefore, is eligible to be documented with a fishery endorsement to its documentation.

Respondents: Certain vessel owners, vessel operators, financial institutions, and professional trusts.

Affected Public: Vessel owners, charterers, mortgagees, mortgage trustees and managers of vessels of 100 feet or greater who seek a fishery endorsement for the vessel.

Estimated Number of Respondents: 500.

Estimated Number of Responses: 500.

Annual Estimated Total Annual Burden Hours: 2,950.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

* * * * *

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2023–06183 Filed 3–24–23; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

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 person and entities that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On March 9, 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.

Individual

1. YUAN, Yun Xia (a.k.a. YUAN, Chilli; a.k.a. YUAN, Yunxia), Longgang District, Shenzhen, China; DOB 08 May 1985; POB Chen Zhou, China; nationality China; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Female; Identification Number 165837990002 (United Kingdom) (individual) [NPWMD] [IFSR] (Linked To: S&C TRADE PTY CO., LTD).

Designated pursuant to section 1(a)(iv) of Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'' (''E.O. 13382''), 70 FR 38567, 3 CFR, 2006 Comp., p. 170, for acting or purporting to act for or on behalf of, directly or indirectly, S&C TRADE PTY CO., LTD, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Entities

1. GUILIN ALPHA RUBBER & PLASTICS TECHNOLOGY CO., LTD (Chinese Traditional: 桂林阿尔法橡塑科技有限公司) (a.k.a. GUILIN ALPHA RUBBER & PLASTICS TECHNOLOGY COMPANY; a.k.a. GUILIN ALPHA RUBBER AND PLASTICS TECHNOLOGY CO., LTD; a.k.a. GUILIN ALPHA RUBBER AND PLASTICS TECHNOLOGY COMPANY), Industry Chuangye Yuan, Kongming West Road, Seven Star District, Guilin City, Guangxi Province 541004, China; Run Yuan A6-2, HuiXian Road, Seven Star District, Guilin City, Guangxi Province 541004, China; Venture Industrial Park, Kongming West Rd., Qixing District, Guilin, Guangxi 542500, China; Seven Star Road No.71, Seven Star District, Guilin City, Guangxi Province 541004, China; 90# Villa, Yingtelai Garden, Seven Star District, Guilin City, Guangxi Province, China; Website www.alpha06.com; alt. Website www.alpha06.cn; alt. Website www.alphaindustry.cn; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Code 791301394 (China); Registration Number 450305200023881 (China); Unified Social Credit Code (USCC) 91450305791301394Q (China) [NPWMD] [IFSR] (Linked To: IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY).

   Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

2. HANGZHOU FUYANG KOTO MACHINERY CO., LTD (a.k.a. HANGZHOU FUYANG KOTO MACHINERY; a.k.a. HANGZHOU FUYANG KOTO MACHINERY CO.; a.k.a. KOTO MACHINERY CO., LTD; a.k.a. KOTO MACHINRY CO., LTD), No. 19 Jingping Road Fuchun Street, Fuyang Hangzhou, Zhejiang, China; No.3 hengliangting, Fuyang City, Zhejiang Province, China; Website https://kotomachinery.wixsite.com/kotomach/blank; Additional Sanctions Information -

Subject to Secondary Sanctions [NPWMD] [IFSR] (Linked To: IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

3. S&C TRADE PTY CO., LTD (a.k.a. S AND C TRADE PTY CO., LTD; a.k.a. S AND C TRADE PTY LTD; a.k.a. S&C TRADE PTY LTD), Room 203, B, Lijingshangwu, No. 57, Busha Road, Buji, Longgang, Shenzhen 518114, China; Additional Sanctions Information - Subject to Secondary Sanctions; Registration Country China [NPWMD] [IFSR] (Linked To: IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY).

   Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

4. SHENZHEN CASPRO TECHNOLOGY CO., LTD (a.k.a. CASPRO TECHNOLOGY CO., LIMITED; a.k.a. CASPRO TECHNOLOGY CO., LTD; a.k.a. CASPRO TECHNOLOGY LTD; a.k.a. SHENZHEN CASPRO TECHNOLOGY LTD.), Room203, B Bldg, No. 57, Busha Road, Nanwan, Longgang, Shenzhen, Guangdong 518114, China; Hong Kong, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 18 May 2018; Business Registration Number 2536463 (Hong Kong) [NPWMD] [IFSR] (Linked To: IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY).

   Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

5. RAVEN INTERNATIONAL TRADE LIMITED (Chinese Traditional: 瑞文機械有限公司), Flat B, 9/F, Mega Cube, No. 8 Wang Kwong Road, Kowloon, Hong Kong, China; No. 19 Jingping Road, Fuchun Street, Fuyang Hangzhou, Zhejiang, China; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 26 Apr 2022; Business Number 3147216 (Hong Kong); Business Registration Number 73988180-000 (Hong Kong) [NPWMD] [IFSR] (Linked To: IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY).

   Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY, a person whose property and interests in property are blocked pursuant to E.O. 13382.

Dated: March 22, 2023.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–06282 Filed 3–24–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Information Reporting for Form 15397

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning new Form 15397, *Application for Extension of Time to Furnish Recipient Statements.*

DATES: Written comments should be received on or before May 26, 2023 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Please include, ''OMB Number: 1545-New, Form 15397—Application for Extension of Time to Furnish Recipient Statements'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Extension of Time to Furnish Recipient Statements.

OMB Number: 1545-New.

Form Project Number: Form 15397.

Abstract: The Secretary may grant an extension of time in which to furnish to employees/contractors the statements required by law. Currently, regulations allow the taxpayer to request an extension of time via letter, however, no official form exists for taxpayers to submit a request for the extension of time to furnish statements to recipients. This form provides taxpayers with a more structured way of making the request. This will ease the burden on the taxpayers and improve IRS processing time.

Current Actions: This is a request for new OMB control number.

Type of Review: New Form.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 20,000.

Estimated Time per Respondent: .72 minutes.

Estimated Total Annual Burden Hours: 14,400.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 21, 2023.

Molly J. Stasko,

Senior Tax Analyst.

[FR Doc. 2023–06191 Filed 3–24–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Alcohol and Tobacco Tax and Trade Bureau Information Collection Request

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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 public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 26, 2023 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

1. *OMB Control Number:* 1513–0002.

Title: Personnel Questionnaire—Alcohol and Tobacco Products.

TTB Form Number: TTB F 5000.9.

Abstract: Provisions of chapters 51 and 52 of the Internal Revenue Code (IRC, 26 U.S.C. chapters 51 and 52) and the Federal Alcohol Administration Act (FAA Act; 27 U.S.C. 201 *et seq.*) require all persons who desire to engage in certain alcohol and tobacco activities to obtain a permit or registration from, or file a notice with, the Secretary of the Treasury (the Secretary) before beginning operations. The IRC and FAA

Act provide that an applicant must meet certain qualifications. For example, an applicant is not eligible for such permits or approvals if the Secretary finds that the applicant, (including company officers, directors, or principal investors) is not likely to lawfully operate or has certain criminal convictions. Under its delegated IRC and FAA Act authorities, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations authorize the collection of information from applicants so that TTB can determine if they meet the minimum statutory and regulatory qualifications for alcohol and tobacco permits, registrations, or notices. To assist TTB in making such determinations, applicants use form TTB F 5000.9, Personnel Questionnaire—Alcohol and Tobacco, or its electronic Permits Online (PONL) equivalent, to provide TTB with information regarding their identity and their criminal and business history.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is increasing the estimated number of annual respondents, responses, and burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits; Individuals and households.

Number of Respondents: 9,850.

Average Responses per Respondent: 1 (one).

Number of Responses: 9,850.

Average per-response Burden: 51.08 minutes.

Total Burden: 8,386 hours.

2. *OMB Control Number:* 1513–0016.

Title: Drawback on Wines Exported.

TTB Form Number: TTB F 5120.24.

Abstract: In general, the IRC at 26 U.S.C. 5041 imposes Federal excise tax on wine produced or imported into the United States, while section 5362(c) allows domestic wine to be exported, transferred to a foreign trade zone, or used on certain vessels and aircraft without payment of that tax. In the case of taxpaid domestic wine that is subsequently exported, the IRC at 26 U.S.C. 5062(b) provides that exporters of such wine may claim ''drawback'' (refund) of the Federal excise tax paid or determined on the exported wine. Under the TTB regulations in 27 CFR part 28, Exportation of Alcohol, exporters of taxpaid domestic wine use form TTB F 5120.24 to document the wine's exportation and to submit drawback claims for the Federal excise taxes paid on the exported wine. TTB uses the provided information to determine if the exported wine is eligible for drawback.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Number of Respondents: 40.

Average Responses per Respondent: 4 (four).

Number of Responses: 160.

Average per-response Burden: 67 minutes.

Total Burden: 179 hours.

3. *OMB Control Number:* 1513–0031.

Title: Specific and Continuing Transportation Bonds—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse, Class Six.

TTB Form Number: TTB F 5100.12.

Abstract: The IRC at 26 U.S.C. 5214(a)(6) and 5362(c)(4) authorizes the transfer without payment of Federal excise tax of, respectively, distilled spirits and wine from a bonded premises to certain customs bonded warehouses for subsequent exportation. To provide proprietors of manufacturing bonded warehouses with operational flexibility based on individual need, the TTB alcohol export regulations in 27 CFR part 28 allow the filing of either a specific transportation bond using form TTB F 5100.12 to cover a single shipment from a bonded premises to a manufacturing bonded warehouse, or a continuing transportation bond using form TTB F 5110.67 to cover multiple shipments.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Number of Respondents: 50.

Average Responses per Respondent: 1 (one).

Number of Responses: 50.

Average per-response Burden: 1 hour.

Total Burden: 50 hours.

4. *OMB Control Number:* 1513–0056.

Title: Distilled Spirits Plants—Transaction and Supporting Records.

TTB Recordkeeping Number: TTB REC 5110/05.

Abstract: In general, the IRC at 26 U.S.C. 5001 imposes Federal alcohol excise tax on distilled spirits produced or imported into the United States. The IRC at 26 U.S.C. 5207 also provides that distilled spirits plant (DSP) proprietors must maintain records related to their production, storage, denaturing, and processing activities and render reports covering those activities ''as the Secretary shall by regulations prescribe.'' Under that IRC authority, the TTB regulations in 27 CFR parts 19, 26, 27, and 28 require DSP proprietors to keep certain usual and customary records related to their production, storage, denaturing, and processing activities. This information collection consists of the transaction and supporting records that are common to all four of those DSP activities. Proprietors use those common records, along with records that are unique to each activity, to document the data provided on their monthly DSP production, storage, denaturing, and processing operations reports. (TTB requirements to keep records unique to each of the four DSP activities, and the four related DSP operations reports, are approved under other OMB control numbers.) TTB personnel may examine the required records to verify the data provided by DSP proprietors in their monthly operations reports as those reports are the basis for determining a DSP proprietor's Federal excise tax liability. This information collection implements the relevant statutory provisions and supports the accurate determination of Federal excise tax.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is increasing the estimated number of annual respondents and responses.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Number of Respondents: 4,800.

Average Responses per Respondent: 1 (one).

Number of Responses: 4,800.

Average per-response and Total Burden: As this information collection consists of usual and customary records kept by respondents during the normal course of business, under 5 CFR 1320.3(b)(2), there is no additional burden on respondents associated with this information collection.

5. *OMB Control Number:* 1513–0061.

Title: Letterhead Applications and Notices Relating to Denatured Spirits.

TTB Recordkeeping Number: TTB REC 5150/2.

Abstract: Under the IRC at 26 U.S.C. 5214, denatured spirits (alcohol to which denaturants have been added to

render it unfit for beverage purposes) may be withdrawn from distilled spirits plants free of tax for nonbeverage industrial purposes in the manufacture of certain personal and household products. Since it is possible to recover potable alcohol from denatured spirits and articles made with denatured spirits, the IRC at 26 U.S.C. 5271–5275 sets forth provisions relating to denatured spirits and articles made with denatured spirits. Under those IRC authorities, the TTB regulations in 27 CFR part 20 require specially denatured spirits (SDS) dealers and manufacturers of nonbeverage products made with denatured alcohol to apply for and obtain a permit. In addition, the part 20 regulations that concern this information collection require such permit holders to submit letterhead applications and notices to TTB regarding certain changes to permit information, use of alternate methods and emergency variations from requirements, adoption or use of certain formulas, discontinuance of business, losses in transit, and requests to waive certain sample shipment and invoice requirements. The information collected implements the IRC's statutory provisions regarding denatured spirits.

Current Actions: There are no program changes or adjustments associated with this information collection at this time, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Number of Respondents: 3,800.

Average Responses per Respondent: 1 (one).

Number of Responses: 3,800.

Average per-response Burden: 30 minutes.

Total Burden: 1,900 hours.

6. *OMB Control Number:* 1513–0110.

Title: Recordkeeping for Tobacco Products Removed in Bond from a Manufacturer's Premises for Experimental Purposes—27 CFR 40.232(e).

Abstract: The IRC at 26 U.S.C. 5704(a) provides that manufacturers of tobacco products may remove tobacco products for experimental purposes without payment of Federal excise tax, as prescribed by regulation. Under that authority, the TTB regulations at 27 CFR 40.232(e) require the keeping of certain usual and customary business records regarding the description, shipment, use, and disposition of tobacco products removed for experimental purposes outside of the factory. These records are subject to TTB inspection and are necessary to protect the revenue, as they allow TTB to account for the lawful experimental use and disposition of nontaxpaid tobacco products, and to detect diversion of such products into the domestic market.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Number of Respondents: 235.

Average Responses per Respondent: 1 (one).

Number of Responses: 235.

Average per-response and Total Burden: As this information collection consists of usual and customary records kept by respondents during the normal course of business, under 5 CFR 1320.3(b)(2), there is no additional burden on respondents associated with this information collection.

7. *OMB Control Number:* 1513–0124.

Title: Customer Satisfaction Surveys for Permit Applications, Permits Online (PONL), Formulas Online (FONL), and COLAs Online.

Abstract: As part of TTB's efforts to improve customer service, we survey customers who submit applications for original or amended alcohol or tobacco permits, or for approval of alcohol beverage formulas or certificates of label approval (COLAs). These surveys assist TTB in identifying potential customer needs and problems, along with opportunities for improvement in our applications processes, with particular focus on customer experiences with TTB's various electronic application systems, Permits Online (PONL), Formulas Online (FONL), and COLAs Online.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the estimated number of annual respondents, responses, and total burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; and Individuals or households.

Number of Respondents: 16,000.

Average Responses per Respondent: 1 (one).

Number of Responses: 16,000.

Average per-response Burden: 12 minutes.

Total Burden: 3,200 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2023–06220 Filed 3–24–23; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulation Agency Protests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collection listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before May 26, 2023.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulation Agency Protests.

OMB Control Number: 1505–0107.

Type of Review: Extension without change of a currently approved collection.

Description: The Federal Acquisition Regulation (FAR); 48 CFR Chapter 1 provides general procedures on handling protests submitted by contractors to federal agencies. Treasury regulations provide detailed guidance for contractors doing business with acquisition offices within the U.S. Department of the Treasury to implement the FAR. FAR part 33.103, Protests to the agency prescribes the policies and procedures for filing protests to the agency. Information is requested of contractors so that the Government will be able to evaluate protests effectively and provide prompt

resolution of issues in dispute when contractors file protests.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 5.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 5.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 10.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget 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 technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2023–06272 Filed 3–24–23; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Emergency Capital Investment Program Initial Supplemental Report and Quarterly Supplemental Report

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: The Department of the Treasury 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 public is invited to submit comments on this request.

DATES: Comments should be received on or before April 26, 2023 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the documents under review may be viewed at *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/emergency-capital-investment-program.* For questions related to this program, please contact David Meyer by emailing *ecip@treasury.gov* or calling (202) 819–3127.

SUPPLEMENTARY INFORMATION:

Title: Emergency Capital Investment Program Initial Supplemental Report and Quarterly Supplemental Report.

OMB Control Number: 1505–0275.

Type of Review: Revision of a currently approved collection.

Description: Authorized by the Consolidated Appropriations Act, 2021, the Emergency Capital Investment Program (ECIP) was created to encourage low- and moderate-income community financial institutions to augment their efforts to support small businesses and consumers in their communities.

Under the program, Treasury will provide approximately $8.70 billion in capital directly to depository institutions that are certified Community Development Financial Institutions (CDFIs) or minority depository institutions (MDIs) to, among other things, provide loans, grants, and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, that may be disproportionately impacted by the economic effects of the COVID–19 pandemic.

ECIP capital is eligible for a reduction in the dividend or interest rate payable on the instruments depending on the increase in lending by the recipients of the capital (Recipients) within minority, rural, and urban low-income and underserved communities and to low- and moderate-income borrowers over a baseline amount of lending. Recipients are required to submit an Initial Supplemental Report and quarterly reports to determine their increase in lending to the specified targeted communities over the baseline and therefore their qualification for rate reductions on the dividend or interest rates payable on the ECIP instruments. In addition, these reports will collect data necessary for Treasury and other oversight bodies to evaluate program outcomes over time. Treasury uses the Initial Supplemental Report to establish a baseline amount of qualified lending. Treasury proposes to continue use of this form to collect additional or restated data on a Recipient's amount of baseline lending, such as in connection with mergers, acquisitions, or other business combinations. Instructions may be modified from time to time to accommodate these uses.

Treasury proposes to use the Quarterly Supplemental Report to collect the information required to establish a Recipient's increase in lending. The Quarterly Supplemental Report has two components: (1) schedules which must be completed each quarter that collect data on activity for the preceding quarter and (2) schedules that collect data on the preceding calendar year of activity that are submitted annually. There are separate schedules and instructions for insured depository institutions, bank holding companies, and savings and loan holding companies; and credit unions.

Quarterly Report Schedules: Recipients of ECIP investments will be required to submit two schedules on a quarterly basis. Schedule A-Summary Qualified Lending is used to collect the Qualified Lending and Deep Impact Lending, as defined in the Glossary in the Instructions to the Quarterly Supplemental Report, of a Recipient for a given quarter. Schedule A is therefore used to establish the growth in a Recipient's Qualified Lending over its baseline Qualified Lending for the purposes of calculating the payment rate on the ECIP preferred shares or subordinated debt issued by the Recipient. Schedule B-Disaggregated Qualified Lending is used to present further detail on the composition of the Participant's Qualified and Deep Impact Lending.

Annual Report Schedules: Annually, Recipients will report on up to ten (10) additional schedules, depending on the origination activity that took place during the prior year. Schedule C-Additional Demographic Data on Qualified Lending collects additional demographic data on certain categories of Qualified Lending and Deep Impact Lending. Schedule D-Additional Place-based Data on Qualified Lending collects additional geographic data on certain categories of Qualified Lending and Deep Impact Lending.

Legal Certifications: Annually, under the terms of the ECIP investments, Recipient institutions must provide certain certifications. Treasury has prepared the form of these certifications for use on an annual basis by Recipients.

Impact Highlight Report: Treasury proposes to collect impact highlight reports, submitted to Treasury on a voluntary basis. The proposed form is intended to facilitate such voluntary reporting and categorization by Treasury.

Forms: Initial Supplemental Report and Instructions, Quarterly Supplemental Report Instructions and Schedules, Legal Certifications, and Impact Highlight Report.

Affected Public: Recipients of investments through the Emergency Capital Investment Program.

Estimated Number of Respondents: 180.

Frequency of Response: Initial Supplemental Report—One time annually, for applicable institutions; Quarterly Supplemental Report—Four times annually for Schedules A and B, annually for Schedules C and D; One time annually for the Legal Certifications; and when volunteered for the Emergency Capital Investment Program Impact Highlight Report.

Estimated Total Number of Annual Responses: Initial Supplemental Report—5 for initial investments, 3 for cases of mergers and acquisition; Quarterly Supplemental Report—720 for Schedules A & B and 180 for Schedule C and D; Legal Certifications—180; Emergency Capital Investment Program Impact Highlight Report—5.

Estimated Time per Response: 160 hours annually for the Initial Supplemental Report; 10 hours annually for the Quarterly Supplemental Report Schedules A & B + 120 hours for Schedules C & D; 0.5 hours for the Legal Certifications; and 0.5 hours for the Emergency Capital Investment Program Impact Highlight Report.

Estimated Total Annual Burden Hours: 30,672.5.

Authority: 44 U.S.C. 3501 et seq.

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2023–06214 Filed 3–24–23; 8:45 am]

BILLING CODE 4810–AK–P

Reader Aids

Federal Register

Vol. 88, No. 58

Monday, March 27, 2023

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, MARCH

12803–13014	1
13015–13290	2
13291–13654	3
13655–14046	6
14047–14248	7
14249–14472	8
14473–14870	9
14871–15264	10
15265–15596	13
15597–15900	14
15901–16168	15
16169–16370	16
16371–16530	17
16531–16868	20
16869–17142	21
17143–17362	22
17363–17678	23
17679–17986	24
17987–18224	27

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.

2 CFR

1201 12805

Proposed Rules:

184 14514
210 14514

3 CFR

Proclamations:

9704 (amended by Proc. 10522) 13267
9980 (revised by Proc. 10522) 13267
10521 12803
10522 13267
10523 13277
10524 13291
10525 13293
10526 13295
10527 13297
10528 13655
10529 14249
10530 16169
10531 17143
10532 17363
10533 17987
10534 17999

Executive Orders:

14092 16527

Administrative Orders:

Memorandums:
Memorandum of February 27, 2023 13015
Memorandum of March 3, 2023 15267
Notices:
Notice of March 1, 2023 13285
Notice of March 1, 2023 13287
Notice of March 1, 2023 13289
Notice of March 10, 2023 15595
Orders:
Order of March 13, 2023 16171
Presidential Determinations:
No. 2023–05 of Mar. 1, 2023 13657
No. 2023–04 of February 24, 2023 15265

5 CFR

532 17365
630 15597

6 CFR

37 14473

7 CFR

354 16371–
905 14477
906 14479
993 14481
1222 14484
1710 12806

Proposed Rules:

27 18076
52 14296
245 17406
984 14083

8 CFR

208 16372

9 CFR

1 16173
2 16173
3 16173

Proposed Rules:

1 14090
2 14090
3 14090
94 18077
410 12870
412 15290

9 CFR

Proposed Rules:

71 16576
77 16576
78 16576
86 16576

10 CFR

20 15864
21 15864
26 15864
50 ..... 15864, 18005
70 15864
72 ..... 13017, 15864
73 15864
74 15864
76 15864
429 ..... 14014, 15510, 16052, 17934
430 ..... 14014, 15510, 16052, 16869
431 17934

Proposed Rules:

Ch. I 14091
50 ..... 13717, 13735, 14957, 15620
51 ..... 13329, 14958
52 ..... 13735, 14957
72 17164
73 17165
170 13357
171 13357
429 17419
430 ..... 13520, 16112, 17419, 18086
460 17745

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 23, 2023

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