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

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[EERE-2023-BT-TP-0007]

RIN 1904-AF50

Energy Conservation Program: Test Procedure for Dishwashers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: In this final rule, the U.S. Department of Energy (“DOE”) is adding clarifying instructions to the dishwasher test procedure regarding the allowable dosing options for each type of detergent; clarifying the existing detergent reporting requirements; and adding an enforcement provision for dishwashers to specify the detergent and dosing method that DOE would use for any enforcement testing of dishwasher models certified in accordance with the currently applicable dishwasher test procedure prior to July 17, 2023 (*i.e.*, the date by which the dishwasher test procedure as amended by a final rule published on January 18, 2023 will be mandatory for product testing).

DATES: The effective date of this rule is August 28, 2023. The amendments will be mandatory for product testing starting January 23, 2024. The incorporation by reference of certain material listed in this rule was approved by the Director of the Federal Register as of February 17, 2023.

ADDRESSES: The docket, 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, not all documents listed in the index may be publicly available, such as those containing information that is exempt from public disclosure.

A link to the docket web page can be found at www.regulations.gov/docket/EERE-2023-BT-TP-0007. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Carl Shapiro, 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) 287-5649. Email: ApplianceStandardsQuestions@ee.doe.gov.

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I. Authority and Background

Dishwashers are included in the list of “covered products” for which the

U.S. Department of Energy (“DOE”) is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(6)) DOE’s test procedures for dishwashers are currently prescribed in the Code of Federal Regulations (“CFR”) at 10 CFR 430.23(c); appendix C1 to subpart B of part 430 (“appendix C1”); and appendix C2 to subpart B of part 430 (“appendix C2”).¹ The following sections discuss DOE’s authority to establish and amend test procedures for dishwashers and relevant background information regarding DOE’s consideration of test procedures for this equipment.

A. Authority

The Energy Policy and Conservation Act, Public Law 94–163, as amended (“EPCA”),² authorizes DOE to regulate the energy efficiency of several consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B of EPCA³ established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. (42 U.S.C. 6291–6309) These products include dishwashers, the subject of this document. (42 U.S.C. 6292(a)(6))

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 (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).

¹ Use of appendix C1 is required to demonstrated compliance with the currently applicable energy conservation standards for dishwashers. Use of appendix C2 will be required to determine compliance with any amended standards for dishwashers published after January 1, 2023.

² 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.

³ For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA (42 U.S.C. 6295(s)), and (2) making other representations about the efficiency of those products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

DOE is conducting this rulemaking to address a single specific issue and make minor corrections to the current test procedures that are required for certification of compliance with applicable energy conservation standards. This rulemaking does not satisfy the EPCA requirement that, at least once every 7 years, DOE review the test procedure for dishwashers. (42 U.S.C. 6293(b)(1)(A))

B. Background

Appendix C1 includes provisions for determining estimated annual energy use and per-cycle water consumption, among other metrics, and is currently required to demonstrate compliance with the energy conservation standards for dishwashers prescribed at 10 CFR 430.32(f). On January 18, 2023, DOE published a final rule (“January 2023 Final Rule”) that, in addition to establishing a new appendix C2 test procedure that requires use of Cascade Complete Powder detergent, amended appendix C1 to specify that Cascade Complete Powder detergent may alternately be used for testing dishwashers in conjunction with a new detergent dosing requirement that is based on the number of place settings, among several other updates. 88 FR 3234, 3428. The effective date of amended appendix C1 was February 17, 2023, and use of the amended appendix C1 is mandatory for product testing starting July 17, 2023. Use of appendix C2 will be required to determine compliance with any amended standards for dishwashers published after January 1, 2023.

Prior to the amendments of the January 2023 Final Rule, section 2.10 of appendix C1 specified the detergent type and dosage that must be used for

testing.⁴ Specifically, section 2.10 specified that Cascade® with the Grease Fighting Power of Dawn™ must be used, and detergent dosage must be calculated based on the prewash (if any) and main wash fill water volumes. Appendix C1 to subpart B of 10 CFR part 430 (2022). However, Cascade with the Grease Fighting Power of Dawn has been discontinued and has been replaced on the market with the Cascade® Complete™ Powder formulation.

Previously, on July 22, 2022, DOE published a final rule that amended the certification provisions for dishwashers (“July 2022 Certification Final Rule”), among other products. 87 FR 43952. In the July 2022 Certification Final Rule, DOE noted that, given the then-currently specified Cascade with the Grease Fighting Power of Dawn detergent was no longer available on the market, DOE expected that manufacturers may need to (or already had to) switch to the Cascade Complete Powder formulation to conduct testing according to appendix C1. *Id.* at 87 FR 43969. The July 2022 Certification Final Rule amended the dishwasher certification provisions to require that manufacturers indicate whether Cascade Complete Powder detergent was used in lieu of Cascade with the Grease Fighting Power of Dawn to conduct testing according to appendix C1. *Id.* at 87 FR 43969–43970. DOE stated that it was establishing this additional reporting requirement to ensure that any assessment or enforcement testing pursuant to 10 CFR 429.104 and 10 CFR 429.110, respectively, would be performed using the same detergent used by the manufacturer for certifying compliance with the energy conservation standards. *Id.* at 87 FR 43969.

In the January 2023 Final Rule, DOE amended appendix C1 to specify that Cascade Complete Powder detergent may alternately be used for testing dishwashers in conjunction with the detergent dosing requirement that is based on the number of place settings rather than wash water fill volumes, among several other updates. 88 FR 3234, 3247–3248. DOE stated in the

January 2023 Final Rule that permitting the optional use of the new detergent and dosing specified in the Association of Home Appliance Manufacturers (“AHAM”) standard, AHAM DW–1–2020, “Uniform Test Method for Measuring the Energy Consumption of Dishwashers,” would avoid the need for manufacturers to request test procedure waivers, given the lack of availability of Cascade with the Grease Fighting Power of Dawn detergent. *Id.* at 88 FR 3247. DOE also stated that by maintaining the use of Cascade with the Grease Fighting Power of Dawn detergent and water volume-based dosing requirements, manufacturers would not be required to re-test currently certified dishwashers. *Id.*

In specifying the place settings-based detergent dosing requirement for Cascade Complete Powder in appendix C1 in the January 2023 Final Rule, DOE did not intend to require manufacturers who have already certified dishwashers using Cascade Complete Powder in conjunction with the water volume-based detergent dosing requirement to re-test and re-certify using the place settings-based detergent dosing requirement. To make explicit DOE’s intent, on March 23, 2023, DOE published a notice of proposed rulemaking (“March 2023 NOPR”) proposing amendments to the test procedure at appendix C1 to explicitly allow the use of Cascade Complete Powder detergent with the water-volume-based detergent dosing requirements. 88 FR 17419, 17421. In addition to the appendix C1 proposed amendments, DOE proposed to amend certification reporting instructions at 10 CFR 429.19(b)(3) to specify the applicable dates for each detergent formulation and dosing combination in the March 2023 NOPR. DOE also proposed adding a product-specific enforcement provision for dishwashers at 10 CFR 429.134(z)(2) to explicitly specify that DOE would perform any enforcement testing using the detergent dosing requirement that was used by the manufacturer for certifying compliance with the energy conservation standards. 88 FR 17419, 17421–17422.

DOE received comments in response to the March 2023 NOPR from the interested parties listed in Table I.1.

⁴ As amended by the January 2023 Final Rule, section 2.5 of appendix C1 specifies the detergent type and dosage that must be used for testing.

TABLE I.1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE MARCH 2023 NOPR

Commenter(s)	Reference in this final rule	Comment No. in the docket	Commenter type
Hodgson	Hodgson	2	Individual.
Association of Home Appliance Manufacturers ..	AHAM	3	Trade Association.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.⁵

C. Deviation From the Process Rule

In the March 2023 NOPR, DOE noted that it was deviating from the provision in section 8(a) of 10 CFR part 430, subpart C, appendix A (“the Process Rule”), regarding the early assessment process in a test procedure rulemaking. 88 FR 17419, 17421. Section 8(a) of the Process Rule states that DOE will follow an early assessment process similar to DOE’s consideration of amended energy conservation standards and publish a notice in the **Federal Register** whenever DOE is considering initiation of a rulemaking to amend a test procedure.

AHAM commented that it supported the deviation from section 8(a) of the Process Rule, as the circumstances provided in the March 2023 NOPR justify the deviation. (AHAM, No. 3 at p. 2)

As discussed in the March 2023 NOPR, DOE is conducting this rulemaking to address a single specific issue rather than comply with the 7-year lookback requirement prescribed by EPCA. 88 FR 17419, 17421. Furthermore, this proposal seeks to prevent manufacturers from needing to re-test and re-certify certain existing models after July 17, 2023. For these reasons, DOE finds it necessary and appropriate to deviate from the provision in the Process Rule regarding the early assessment process.

II. Discussion

A. General Comments

AHAM commented that it appreciated DOE’s swift guidance and test procedure change to improve repeatability and reproducibility of the test procedure and reduce undue testing burden on manufacturers. AHAM also urged DOE to publish a final rule as quickly as possible. (AHAM, No. 3 at p. 3)

⁵ The parenthetical reference provides a reference for information located in the docket of DOE’s rulemaking to develop test procedures for dishwashers. (Docket No. EERE–2023–BT–TP–0007, which is maintained at www.regulations.gov) The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

DOE appreciates AHAM’s comments. DOE’s intention with this final rule is to improve the clarity of the amended appendix C1 and reduce burden to manufacturers. Further, DOE has worked to move swiftly with this rulemaking so that this final rule could be published prior to the July 17, 2023, mandatory compliance date of the amended appendix C1 established by January 2023 Final Rule.

Hodgson opposed DOE’s proposal, stating that consumer demand and transparent labeling of energy and water consumption would be sufficient to drive efficiency without further rulemaking. (Hodgson, No. 2 at p. 1)

In response to Hodgson, the March 2023 NOPR did not propose any changes with respect to the energy conservation standards applicable to dishwashers. As supported by AHAM’s comment describing the results of its testing, the amendments proposed in the March 2023 NOPR would not be expected to change the measured energy and water use of dishwashers.

B. Appendix C1 Amendments

While the July 2022 Certification Final Rule amended the dishwasher certification provisions to require that manufacturers indicate whether Cascade Complete Powder detergent was used in lieu of Cascade with the Grease Fighting Power of Dawn to conduct testing according to appendix C1 (87 FR 43952, 43969–43970), it did not explicitly permit the use of Cascade Complete Powder detergent formulation with the water volume-based dosage requirements for units certified before July 17, 2023 (*i.e.*, the date on which testing according to the amended appendix C1 will be mandatory). Section 2.5 of the amended appendix C1 allows the use of Cascade with the Grease Fighting Power of Dawn detergent only with the water volume-based dosage requirements or Cascade Complete Powder detergent only with the place settings-based detergent dosing requirement. However, in specifying the new detergent dosing requirement for Cascade Complete Powder in appendix C1 in the January 2023 Final Rule, DOE did not intend to require manufacturers who have already certified dishwashers using the new Cascade Complete Powder in

conjunction with the water volume-based detergent dosing requirement to re-test and re-certify using the place settings-based detergent dosing requirement.

Therefore, in the March 2023 NOPR, DOE proposed to amend section 2.5 of appendix C1 to explicitly allow the use of Cascade Complete Powder detergent with either the dosage requirements based on fill water volumes or based on number of place settings. 88 FR 17419, 17421. DOE’s proposal in the March 2023 NOPR sought to clarify the current test procedure and prevent the need for manufacturers that have used, or intend to use until July 17, 2023, Cascade Complete Powder detergent with dosing based on fill water volumes rather than number of place settings to re-test and re-certify. *Id.*

DOE requested feedback on its proposal to amend appendix C1 to explicitly allow the use of Cascade Complete Powder detergent with either the dosage requirements based on fill water volumes, or the dosage requirements based on number of place settings until July 17, 2023. *Id.*

AHAM commented that it supports DOE’s proposal to amend appendix C1 to explicitly allow the use of Cascade Complete Powder detergent with either the dosage requirements based on fill water volumes or based on number of place settings. AHAM commented that while the version of appendix C1 prior to the January 2023 Final Rule allows the use of Cascade with the Grease Fighting Power of Dawn detergent only with the fill water volume-based dosing method, manufacturers are predominantly using the Cascade Complete Powder detergent. AHAM commented that DOE’s proposal in the March 2023 NOPR would add clarity to the test procedure and would eliminate unnecessary test burden from requiring manufacturers to re-test models using the Cascade Complete Powder detergent with the detergent dosing based on number of place settings. (AHAM, No. 3 at p. 2) AHAM noted the burden reduction is especially important in light of the significant cumulative regulatory burden associated with DOE’s proposed energy conservation standards for several products under AHAM’s scope that impact dishwasher manufacturers. (AHAM, No. 3 at p. 3)

DOE appreciates AHAMs comments and notes that DOE did not intend to require manufacturers who have already certified dishwashers using the new Cascade Complete Powder in conjunction with the water volume-based detergent dosing requirement to re-test and re-certify using the place settings-based detergent dosing requirement.

AHAM additionally commented that while conducting round-robin testing for AHAM's performance test procedure, AHAM members collected data that showed test results for measured energy consumption between the two detergent dosage methods were comparable. AHAM commented that its members also do not expect that there will be a difference in measured efficiency based on the detergent dosing method and that its members do not believe the dosing method would impact product performance, despite the use of potentially less detergent under the new dosing method.⁶ (*Id.* at pp. 2–3)

DOE appreciates the additional data provided by AHAM and observes that the data suggest that the water volume-based dosing method and the place settings-based dosing method produce generally comparable results for machine energy consumption. DOE notes, however, that AHAM's comment does not specify which detergent was used for testing nor does it provide the measured water consumption or water heating energy. Therefore, DOE cannot draw conclusions on the rated energy and water consumption of dishwashers from the data provided.

AHAM also commented that there was a minor error in the amended appendix C1. Specifically, AHAM commented that in section 2.5 of appendix C1, there are references to sections 2.6.1 and 2.6.2 for the detergent dosing amount determination, but these sections should instead reference sections 2.5.1 and 2.5.2. (AHAM, No. 3 at p. 3)

Regarding AHAM's comment that section 2.5 of appendix C1 as amended by the January 2023 Final Rule improperly references sections 2.6.1 and 2.6.2, DOE notes that the amendments proposed to section 2.5 in the March 2023 NOPR would correct these references as indicated by AHAM in its comment.

For the reasons discussed in the March 2023 NOPR, and in consideration of comments received by AHAM, DOE is finalizing amendments to appendix C1 as proposed to explicitly allow, until

July 17, 2023, the use of Cascade Complete Powder detergent with either the dosage requirements based on fill water volumes, or the dosage requirements based on number of place settings.

C. Certification Reporting Provisions for Dishwashers

In conjunction with the proposed amendment to appendix C1 as described, DOE proposed in the March 2023 NOPR to specify the applicable dates for each detergent formulation and dosing combination through instructions specified in the certification reporting provisions at 10 CFR 429.19(b)(3). 88 FR 17419, 17421. Specifically, DOE proposed to amend 10 CFR 429.19 to specify in a new paragraph (b)(3)(vi)(A) that before July 17, 2023, Cascade Complete Powder detergent may be used as the basis for certification in conjunction with either detergent dosing method (*i.e.*, the currently applicable detergent dosing requirement based on fill water volumes, or the new detergent dosing requirement based on number of place settings) and Cascade with the Grease Fighting Power of Dawn detergent may be used as the basis for certification only in conjunction with the detergent dosing method based on fill water volumes. 88 FR 17419, 17421–17422.

DOE further proposed to specify in a new paragraph (b)(3)(vi)(B) to 10 CFR 429.19 that beginning July 17, 2023, Cascade Complete Powder detergent may be used as the basis for certification of newly certified basic models only in conjunction with the detergent dosing method based on number of place settings, and Cascade with the Grease Fighting Power of Dawn detergent may be used as the basis for certification only in conjunction with the detergent dosing method based on fill water volumes. DOE also proposed to clarify that manufacturers may maintain basic model certifications made prior to July 17, 2023. 88 FR 17419, 17422.

DOE sought feedback on its proposal to add two subsections to the certification reporting provisions that specify the date when each detergent formulation and dosage method is applicable. *Id.*

DOE did not receive any comments on this specific topic. For the reasons discussed, DOE is finalizing its proposal from the March 2023 NOPR regarding certification reporting provisions for dishwashers.

D. Enforcement Testing Provisions for Dishwashers

In the March 2023 NOPR, DOE proposed adding a product-specific

enforcement provision for dishwashers at 10 CFR 429.134(z)(2), explicitly specifying that DOE would perform any enforcement testing using the detergent dosing requirement that was used by the manufacturer for certifying compliance with the energy conservation standards. 88 FR 17419, 17422. This proposal sought to provide greater certainty regarding how DOE would conduct any enforcement testing for any dishwashers certified prior to July 17, 2023, using the Cascade Complete Powder detergent, as implicitly permitted by the July 2022 Certification Final Rule. In the March 2023 NOPR, DOE noted that it may request any information relevant to determining compliance per the requirements specified at 10 CFR 429.106(b), and the proposal to request detergent dosage information for the purposes of conducting enforcement testing would be consistent with that requirement. *Id.*

DOE did not receive specific comments on this topic. For the reasons discussed, DOE is finalizing its proposal, consistent with the March 2023 NOPR, to add a product-specific enforcement requirement for dishwashers to specify that DOE would perform any enforcement testing using the detergent dosing requirement that was used by the manufacturer to certify compliance with the applicable energy conservation standards.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 21, 2011), and amended by E.O. 14094, “Modernizing Regulatory Review,” 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify

⁶ DOE understands the new dosing method to refer to the place-setting based dosing method.

performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. This does not constitute a significant action under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a final regulatory flexibility analysis (“FRFA”) for any final rule where the agency was first required by law to publish a proposed rule for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website: www.energy.gov/gc/office-general-counsel. DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003.

This final rule amends appendix C1 to remove uncertainty about dishwashers that may be currently certified under appendix C1 as it appeared prior to the

January 2023 Final Rule using Cascade Complete Powder detergent (as permitted by the July 2022 Certification Final Rule), and to prevent such dishwashers from having to be re-tested and re-certified after the July 17, 2023, required use date of appendix C1 as amended by the January 2023 Final Rule. These amendments do not affect the scope or substance of the currently applicable or amended test procedure for dishwashers.

Accordingly, DOE concludes that the cost effects accruing from the final rule would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of a FRFA is not warranted. DOE has submitted a certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of dishwashers must certify to DOE that their products comply with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their products according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including dishwashers. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (“PRA”). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

DOE is not amending the certification or reporting requirements for dishwashers in this final rule, rather it is clarifying the certification requirements.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE is adding explicit enumeration of currently allowable testing options to the test procedure, certification reporting instructions, and a product-specific enforcement provision that would specify how DOE would conduct any enforcement testing of certain dishwasher models. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE’s implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, “Civil Justice Reform,” 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met, or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant intergovernmental mandate,” and requires an agency plan

for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at www.energy.gov/gc/office-general-counsel. DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of \$100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf. DOE has

reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A “significant energy action” is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

The following standard was previously approved for incorporation by reference into the provisions where they appear in this rulemaking and no change to the standard is being made: AHAM DW–1–2020.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

IV. Approval of the Office of the Secretary

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

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports,

Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Signing Authority

This document of the Department of Energy was signed on July 19, 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 July 20, 2023.

Treena V. Garrett,

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

For the reasons stated in the preamble, DOE amends parts 429 and 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

- 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

- 2. Amend § 429.19 by revising paragraph (b)(3)(vi) to read as follows:

§ 429.19 Dishwashers.

* * * * *

- (b) * * *
(3) * * *

(vi) Indication of whether Cascade Complete Powder or Cascade with the Grease Fighting Power of Dawn was used as the detergent formulation. When certifying dishwashers, other than water re-use dishwashers, according to appendix C1 to subpart B of part 430 of this chapter:

(A) Before July 17, 2023, Cascade Complete Powder detergent may be used as the basis for certification in conjunction with the detergent dosing methods specified in either section 2.5.2.1.1 or section 2.5.2.1.2 of appendix C1 to subpart B of part 430. Cascade with the Grease Fighting Power of Dawn detergent may be used as the basis for certification only in conjunction with the detergent dosing specified in section 2.5.2.1.1 of appendix C1.

(B) Beginning July 17, 2023, Cascade Complete Powder detergent may be used as the basis for certification of newly certified basic models only in conjunction with the detergent dosing method specified in section 2.5.2.1.2 of appendix C1 to subpart B of part 430. Cascade with the Grease Fighting Power of Dawn detergent may be used as the basis for certification only in conjunction with the detergent dosing specified in section 2.5.2.1.1 of appendix C1. Manufacturers may maintain existing basic model certifications made prior to July 17, 2023, consistent with the provisions of paragraph (b)(3)(vi)(A) of this chapter.

- 3. Amend § 429.134 by adding paragraph (z)(2) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

- (z) * * *

(2) *Detergent dosing requirement.* For any dishwasher basic model certified in accordance with the test procedure at appendix C1 to subpart B of part 430 of this chapter, DOE will conduct enforcement testing using the detergent dosing requirement that was used by the manufacturer as the basis for certifying compliance with the applicable energy conservation standard, in accordance with the applicable test procedure and certification reporting requirements.

* * * * *

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

- 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

- 5. Amend appendix C1 to subpart B of part 430 by:

- a. Revising the introductory note and sections 2.5 and 2.5.1;
■ b. Removing sections 2.5.1.1 and 2.5.1.2;
■ c. Revising section 2.5.2; and
■ d. Adding sections 2.5.2.1, 2.5.2.1.1, 2.5.2.1.2, 2.5.2.2, and 2.5.3.

The revisions and additions read as follows:

Appendix C1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers

Note: Before January 23, 2024, manufacturers must use the results of testing under this appendix as codified on August 28, 2023, or February 17, 2023, to determine compliance with the relevant standard from § 430.32(f)(1) as it appeared in the January 1, 2023, edition of 10 CFR parts 200–499. Beginning January 23, 2024, manufacturers must use the results of testing under this appendix to determine compliance with the relevant standard from § 430.32(f)(1) as it appeared in the January 1, 2023, edition of 10 CFR parts 200–499. Manufacturers must use the results of testing under appendix C2 to this subpart to determine compliance with any amended standards for dishwashers provided in 10 CFR 430.32(f)(1) that are published after January 1, 2023. Any representations related to energy or water consumption of dishwashers must be made in accordance with the appropriate appendix that applies (*i.e.*, appendix C1 or appendix C2) when determining compliance with the relevant standard. Manufacturers may also use appendix C2 to certify compliance with any amended standards prior to the applicable compliance date for those standards. The regulation at 10 CFR 429.19(b)(3) provides instructions regarding the combination of detergent and detergent dosing, specified in section 2.5 of this appendix, used for certification.

* * * * *

2.5 Detergent.

2.5.1 *Detergent Formulation.* Either Cascade with the Grease Fighting Power of Dawn or Cascade Complete Powder may be used.

2.5.2 Detergent Dosage.

2.5.2.1 *Dosage for any dishwasher other than water re-use system dishwashers.*

If Cascade with the Grease Fighting Power of Dawn detergent is used, the detergent dosing specified in section 2.5.2.1.1 of this appendix must be used.

If Cascade Complete Powder detergent is used, consult the introductory note to this appendix regarding use of the detergent dosing specified in either section 2.5.2.1.1 or section 2.5.2.1.2 of this appendix.

2.5.2.1.1 *Dosage based on fill water volumes.* Determine detergent dosage as follows:

Prewash Detergent Dosing. If the cycle setting for the test cycle includes prewash, determine the quantity of dry prewash detergent, D_{pw} , in grams (g) that results in 0.25 percent concentration by mass in the prewash fill water as:

$$D_{pw} = V_{pw} \times \rho \times k \times 0.25/100$$

where,

V_{pw} = the prewash fill volume of water in gallons,

ρ = water density = 8.343 pounds (lb)/gallon for dishwashers to be tested at a nominal inlet water temperature of 50 °F (10 °C), 8.250 lb/gallon for dishwashers to be tested at a nominal inlet water temperature of 120 °F (49 °C), and 8.205 lb/gallon for dishwashers to be tested at

a nominal inlet water temperature of 140 °F (60 °C), and
 k = conversion factor from lb to g = 453.6 g/lb.

Main Wash Detergent Dosing. Determine the quantity of dry main wash detergent, D_{mw} , in grams (g) that results in 0.25 percent concentration by mass in the main wash fill water as:

$$D_{mw} = V_{mw} \times \rho \times k \times 0.25/100$$

where,

V_{mw} = the main wash fill volume of water in gallons, and

ρ and k are as defined above.

For dishwashers that do not have a direct water line, V_{mw} is equal to the manufacturer reported water capacity used in the main wash stage of the test cycle.

2.5.2.1.2 *Dosage based on number of place settings.* Determine detergent dosage as specified in sections 2.10 and 2.10.1 of AHAM DW-1-2020.

2.5.2.2 *Dosage for water re-use system dishwashers.* Determine detergent dosage as specified in section 2.10.2 of AHAM DW-1-2020.

2.5.3 Detergent Placement.

Prewash and main wash detergent must be placed as specified in sections 2.10 and 2.10.1 of AHAM DW-1-2020. For any dishwasher that does not have a main wash detergent compartment and the manufacturer does not recommend a location to place the main wash detergent, place the main wash detergent directly into the dishwasher chamber.

* * * * *

[FR Doc. 2023-15725 Filed 7-26-23; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0197; Airspace
Docket No. 21-AAL-17]

RIN 2120-AA66

Amendment of United States Area Navigation (RNAV) Route T-226; Central, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T-226 in the vicinity of Central, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, October 5, 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: Steven Roff, 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 expands the availability of RNAV in Alaska and improves the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground-based navigation.

History

The FAA published an NPRM for Docket No. FAA-2022-0197 in the **Federal Register** (87 FR 13666; March 10, 2022), amending RNAV route T-226 in the vicinity of Central, AK, in support of a large and comprehensive T-route modernization project for the state of

Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. One positive comment was received.

The commenter supported the FAA's Next Generation Transportation System (NextGen) NAS transition efforts and the proposal to remove the waypoints (WP) not required for T-226 in the affected areas in the State of Alaska. The commenter offered that the FAA's actions were beneficial to improving compliance results, creating a better safety culture, and preventing accidents along the air routes. The commenter closed with support for the FAA's approval of the proposed action.

Incorporation by Reference

United States Area Navigation 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 RNAV route T-226 in the vicinity of Central, AK, in support of a large comprehensive T-route modernization project for the state of Alaska. The amendment is described below.

T-226: T-226 extends between the Johnstone Point, AK, Very High Frequency (VHF) Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Fort Yukon, AK, VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigational aid. This action removes the FIDAL, AK; ROBES, AK; KLUNG, AK; DOZEY, AK; PAXON, AK; and DONEL, AK, Fixes and the HEXAX, AK, WP from the route description since they are not required to retain the route's structure. The Fixes and WP will remain in the National Airspace System Resource database and continue to be depicted on IFR En Route charts.

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 airspace action of amending RNAV route T-226 in the vicinity of Central, AK, 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 5–6.5i, which categorically excludes from further environmental 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. 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. Accordingly, 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 6011 United States Area Navigation Routes.

* * * * *

T-226 Johnstone Point, AK (JOH) to Fort Yukon, AK (FYU) [Amended]

Johnstone Point, AK (JOH)	VOR/DME	(Lat. 60°28'51.43" N, long. 146°35'57.61" W)
Gulkana, AK (GKN)	VOR/DME	(Lat. 62°09'13.51" N, long. 145°26'50.51" W)
Big Delta, AK (BIG)	VORTAC	(Lat. 64°00'16.06" N, long. 145°43'02.09" W)
Fort Yukon, AK (FYU)	VORTAC	(Lat. 66°34'27.31" N, long. 145°16'35.97" W)

* * * * *

Issued in Washington, DC, on July 24, 2023.

Karen L. Chiodini,

Acting Manager, Airspace Rules and Regulations Group.

[FR Doc. 2023–15905 Filed 7–26–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA–2022–0429; Airspace Docket No. 21–AAL–40]

RIN 2120–AA66

Establishment of Area Navigation (RNAV) Route T-719 in the Vicinity of Sitka, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Canadian Area Navigation (RNAV) route T-719, in the vicinity of Sitka, AK. This action is in support of a large and comprehensive RNAV T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, October 5, 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:

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

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2022-0429 in the **Federal Register** (87 FR 24481; April 26, 2022), proposing the establishment of Canadian RNAV route T-719. 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

The NPRM published in the **Federal Register** (87 FR 24481 on April 26, 2022), contained a typographical error in the proposed legal description, incorrectly listing EEVER as a waypoint. This action corrects that error by listing EEVER as a Fix.

Incorporation by Reference

Canadian Area Navigation Routes are published in paragraph 6013 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 establishing RNAV route, T-719, in the vicinity of Sitka, AK, in support of a large and comprehensive T-Route modernization project in the state of Alaska. This action extends Canadian

RNAV route T-719 into United States airspace. The RNAV T-route action is described below.

T-719: T-719 extends between the EEVER, AK, Fix, and the Biorka Island, AK, (BKA) Very High Frequency (VHF) Omnidirectional Range (VOR)/Tactical Air Navigation Aid (VORTAC).

The EEVER, AK, Fix replaces the CFQBR computer navigation fix located along the Sandspit, Canada (YZP), VOR/distance measuring equipment (DME) 312° radial and the United States (U.S.)/Canada border.

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 establishing Canadian RNAV route T-719, near Sitka, AK whereby T-719 extends between the EEVER, AK, Fix, and the Biorka Island, AK, (BKA) VORTAC and replaces the CFQBR computer navigation fix located along the Sandspit, Canada (YZP), VOR/DME 312° radial and the U.S./Canada border, 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 5-6.5.a, 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 5-6.5b, 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*) . . .”. As such, this airspace action is not expected to cause 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.

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 6013 Canadian Area Navigation Routes.

* * * * *

T-719 EEVER, AK to Biorka Island, AK (BKA) [Amended]		
EEVER, AK	FIX	(Lat. 54°35'01.79" N, long. 133°05'54.23" W)
Biorka Island, AK (BKA)	VORTAC	(Lat. 56°51'33.87" N, long. 135°33'04.72" W)

* * * * *

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

Karen L. Chiodini,
Acting Manager, Airspace Rules and Regulations Group.

[FR Doc. 2023–15781 Filed 7–26–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0430; Airspace
Docket No. 19–AAL–75]

RIN 2120–AA66

Amendment of United States Area Navigation (RNAV) Route T–277; Point Lay, AK.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends RNAV route T–277 in the vicinity of Point Lay, AK, due to the planned decommissioning of the Point Lay, AK (PIZ), Nondirectional Radio Beacon (NDB). The Point Lay, AK, NDB will be decommissioned as part of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, October 5, 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: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground-based navigation.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2022–0430 in the **Federal Register** (87 FR 26705; May 5, 2022), proposing to amend RNAV route T–277. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received regarding procedural aspects of how to transition between ground-based and satellite-based airway structures. Specifically, the commenter referenced Colored Airways B–2, G–16, and G–18 no longer intersecting with RNAV route T–277 because the colored airways use the Point Lay, AK, NDB and T–277, as amended, uses the JODGU waypoint. The commenter also stated that they are supportive of the proposed rule and encouraged its adoption.

The FAA is transitioning the NAS away from Low-Frequency NDB-based navigational airways, including the area around the Point Lay, AK (PIZ), NDB. PIZ is planned for decommissioning in the fall of 2024. The colored airways associated with PIZ are B–2, G–16, and G–18. On December 2, 2022, the FAA published a final rule in the **Federal Register** (87 FR 73928) revoking G18 and on January 17, 2023, published an NPRM in the **Federal Register** (88 FR 2561) proposing to revoke B–2. Additionally, the FAA plans to propose to revoke G–16. The FAA acknowledges there is no current guidance explaining how to transition between ground-based and satellite-based airway structures; however, the proposed action for T–277, collectively with existing RNAV routes

T–267 and T–366, provide replacement routing options in the Point Lay, AK, area and negate the need for transitions between ground-based and satellite-based enroute structures.

Incorporation by Reference

United States Area Navigation 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 RNAV route T–277 in the vicinity of Point Lay, AK in support of a large and comprehensive T-route modernization project in the state of Alaska. The route amendment replaces the Point Lay, AK, NDB with the JODGU waypoint. The RNAV T-route amendment action is described below.

T–277: T–277 This action amends T–277 to extend between the Bettles, AK, (BTT) very high frequency (VHF) omnidirectional range (VOR) distance measuring equipment (VOR/DME) and the JODGU, AK, waypoint. Previously, T–277 extended between the Bettles, AK, (BTT) VOR/DME and the Point Lay, AK (PIZ) NDB.

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 establishing RNAV route T-277, in the vicinity of Point Lay, AK 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 5-6.5.i., which categorically excludes from further environmental 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. 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. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

T-277 Bettles, AK (BTT) to JODGU, AK [Amended]		
Bettles, AK (BTT)	VOR/DME	(Lat. 66°54'18.03" N, long. 151°32'09.18" W)
JODGU, AK	WP	(Lat. 69°44'11.47" N, long. 163°00'04.08" W)

* * * * *

Issued in Washington, DC, on July 18, 2023.

Karen L. Chiodini,
Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023-15589 Filed 7-26-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0221; Airspace
Docket No. 19-AAL-77]

RIN 2120-AA66

Amendment of United States Area
Navigation (RNAV) Route T-282; Ruby,
AK

AGENCY: Federal Aviation
Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T-282 in the vicinity of Ruby, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, October 5, 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: Steven Roff, 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

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 6011 United States Area
Navigation Routes.*
* * * * *

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 expands the availability of RNAV in Alaska and improves the efficient flow of air traffic within the National Airspace System by lessening the dependency on ground-based navigation.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA-2022-0221 in the **Federal Register** (87 FR 16685; March 24, 2022), proposing to amend RNAV route T-282 in the vicinity of Ruby, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

Differences From the NPRM

In the NPRM, the VENCE, AK, and ROSII, AK, route points were each

incorrectly referenced and listed as waypoints (WP). Both route points are Fixes. This action corrects those errors by listing each of them as a Fix. These corrections are editorial only and do not change the alignment of T-282.

Additionally, the FAA omitted the existing AKTIE, AK, WP from the route description of the NPRM's proposal section; however, the AKTIE, AK, WP was included in the route description in the NPRM's proposed amendment section. This action includes the existing AKTIE, AK, WP in the route description as it becomes a turn point in the amended T-282.

Incorporation by Reference

United States Area Navigation 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 RNAV route T-282 in the vicinity of Ruby, AK, in support of a large and comprehensive T-route modernization project in the state of Alaska. The amendment is described below.

T-282: T-282 extends between the VENCE, AK, Fix and the Fairbanks, AK, Very High Frequency (VHF) Omnidirectional Range (VOR)/Tactical Air Navigation (VORTAC) navigational aid. This action amends the route segment between the AKTIE, AK, WP and the ROSII, AK, Fix by removing the HORSI, AK, Fix and adding the new FUZES, AK, and ENVOI, AK, WPs. These amendments allow for a lower

Global Navigation Satellite System (GNSS) Minimum Enroute Altitude (MEA) for this segment of the route. The unaffected portions of the route remain as charted.

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 so minimal. Since this is a routine matter that will only affect 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 airspace action of amending RNAV route T-282 in the vicinity of Ruby, AK, 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 5-6.5i, which categorically excludes from further environmental 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. 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. Accordingly, 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 6011 United States Area Navigation Routes.

* * * * *

T-282 VENCE, AK to Fairbanks, AK (FAI) [Amended]

VENCE, AK	FIX	(Lat. 64°29'22.65" N, long. 158°00'06.11" W)
AKTIE, AK	WP	(Lat. 64°40'00.00" N, long. 155°30'00.00" W)
FUZES, AK	WP	(Lat. 64°45'46.09" N, long. 154°43'56.31" W)
ENVOI, AK	WP	(Lat. 64°53'20.45" N, long. 153°45'51.62" W)
ROSII, AK	FIX	(Lat. 64°57'45.74" N, long. 153°14'36.51" W)
PERZO, AK	WP	(Lat. 64°40'22.99" N, long. 148°07'20.15" W)
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48'00.25" N, long. 148°00'43.11" W)

* * * * *

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

Karen L. Chiodini,

Acting Manager, Airspace Rules and Regulations Group.

[FR Doc. 2023–15782 Filed 7–26–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2023–1534; Airspace Docket No. 23–AEA–11]

RIN 2120–AA66

Renaming of Restricted Areas R–6602A, R–6602B, and R–6602C; Fort Pickett, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action is an administrative change to rename the location of restricted areas R–6602A, R–6602B, and R–6602C, Fort Pickett, VA, and to update the using agency description to reflect the change. This action partially implements recommendations of the Commission on the Naming of Items (Naming Commission) of the Department of Defense (DoD) as established by section 370 of the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA).

DATES: Effective date 9:01 a.m. UTC, October 5, 2023.

ADDRESSES: A copy of 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.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R–6602A, R–6602B, and R–6602C.

Background

The FY 2021 NDAA directed the DoD to establish a commission relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the DoD that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.¹ In January 2023, the Secretary of Defense directed all DoD organizations to begin full implementation of the Naming Commission's recommendations. As approved by the Secretary of Defense, the name “Fort Pickett, VA” is changed to “Fort Barfoot, VA”. Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace descriptions of restricted areas R–6602A, R–6602B, and R–6602C to reflect the new name.

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency descriptions for restricted areas R–6602A, R–6602B, and R–6602C by removing the name “Fort Pickett, VA” and replacing it with “Fort Barfoot, VA”. This action consists of administrative name changes only and does not affect the boundaries, altitudes, time of designation, or activities conducted in the airspace. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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 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 making administrative name changes to the geographic locations of restricted areas R–6602A, R–6602B, and R–6602C, which do not alter the boundaries, altitudes, or time of designation, 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 5–6.5d—Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). 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 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR part 73 continues to read as follows:

¹ Public Law 116–283, 134 Stat. 3388, Jan. 1, 2021.

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.

§ 73.66 Virginia [Amended]

■ 2. Section 73.66 is amended as follows:

* * * * *

R-6602A Fort Pickett, VA [Removed]

R-6602B Fort Pickett, VA [Removed]

R-6602C Fort Pickett, VA [Removed]

R-6602A Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05'38" N, long. 77°51'53" W; to lat. 37°04'26" N, long. 77°51'44" W; thence along State Highway No. 40; to lat. 37°03'56" N, long. 77°51'04" W; to lat. 37°02'44" N, long. 77°50'37" W; to lat. 37°01'06" N, long. 77°50'42" W; to lat. 36°59'51" N, long. 77°50'33" W; to lat. 36°57'59" N, long. 77°52'13" W; to lat. 36°57'55" N, long. 77°53'18" W; to lat. 36°58'13" N, long. 77°57'41" W; to lat. 37°01'51" N, long. 77°58'39" W; to lat. 37°01'51" N, long. 77°55'57" W; to lat. 37°04'22" N, long. 77°55'57" W; to lat. 37°05'38" N, long. 77°54'41" W; to the point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. Continuous May 1 to Sept. 15. Other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

R-6602B Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05'38" N, long. 77°51'53" W; to lat. 37°04'26" N, long. 77°51'44" W; thence along State Highway No. 40; to lat. 37°03'56" N, long. 77°51'04" W; to lat. 37°02'44" N, long. 77°50'37" W; to lat. 37°01'06" N, long. 77°50'42" W; to lat. 36°57'55" N, long. 77°53'18" W; to lat. 36°58'13" N, long. 77°57'41" W; to lat. 37°01'51" N, long. 77°58'39" W; to lat. 37°01'51" N, long. 77°55'57" W; to lat. 37°04'22" N, long. 77°55'57" W; to lat. 37°05'38" N, long. 77°54'41" W; to the point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 11,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

R-6602C Fort Barfoot, VA [New]

Boundaries. Beginning at lat. 37°05'38" N, long. 77°51'53" W; to lat. 37°04'26" N, long. 77°51'44" W; thence along State Highway No. 40; to lat.

37°03'56" N, long. 77°51'04" W; to lat. 37°02'44" N, long. 77°50'37" W; to lat. 37°01'06" N, long. 77°50'42" W; to lat. 36°57'55" N, long. 77°53'18" W; to lat. 36°58'13" N, long. 77°57'41" W; to lat. 37°01'51" N, long. 77°58'39" W; to lat. 37°01'51" N, long. 77°55'57" W; to lat. 37°04'22" N, long. 77°55'57" W; to lat. 37°05'38" N, long. 77°54'41" W; to the point of beginning.

Designated altitudes. 11,000 feet MSL to but not including 18,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Virginia National Guard, Commander, Fort Barfoot, VA.

* * * * *

Issued in Washington, DC, on July 21, 2023.

Karen L. Chiodini,

Acting Manager, Airspace Rules and Regulations.

[FR Doc. 2023–15863 Filed 7–26–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

[Docket No. DEA–637]

RIN 1117–AB64

Transfer of Electronic Prescriptions for Schedules II–V Controlled Substances Between Pharmacies for Initial Filling

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is amending its regulations to allow the transfer of electronic prescriptions for schedules II–V controlled substances between registered retail pharmacies for initial filling, upon request from the patient, on a one-time basis. This amendment specifies the procedure that must be followed and the information that must be documented when transferring such electronic controlled substance prescriptions between DEA-registered retail pharmacies.

DATES: This rule is effective August 28, 2023.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776–3882.

SUPPLEMENTARY INFORMATION:

Executive Summary

On November 19, 2021, the Drug Enforcement Administration (DEA) published a notice of proposed rulemaking (NPRM) proposing to permit the transfer of electronic prescriptions for controlled substances (EPCS) in schedules II–V between registered retail pharmacies for initial filling on a one-time basis only.¹ In this rulemaking, DEA is finalizing the regulatory text proposed in the NPRM with modifications to address concerns brought forth by commenters.

The final rule amends DEA regulations to explicitly state that an electronic prescription for a controlled substance in schedule II–V may be transferred between retail pharmacies for initial filling on a one-time basis only, upon request from the patient, and clarifies that any authorized refills included on a prescription for a schedule III, IV, or V controlled substance are transferred with the original prescription. The final rule requires that: the transfer must be communicated directly between two licensed pharmacists; the prescription must remain in its electronic form; and the contents of the prescription required by 21 CFR part 1306 must be unaltered during the transmission. The final rule also stipulates that the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law.

In addition, the final rule describes the information that must be recorded to document transfer of EPCS between pharmacies for initial dispensing. It also clarifies that, in lieu of manual data entry, the transferring and/or receiving pharmacy's prescription processing software may, if capable, capture the required information from the electronic prescription and automatically populate the corresponding data fields to document the transfer. The transferring and/or receiving pharmacist, as applicable, must ensure that the populated information is complete and accurate. The electronic records documenting EPCS transfers must be maintained by both pharmacies for two years from the date of the transfer. The existing requirements for all prescriptions, as outlined in 21 CFR part 1306, Prescriptions, and the requirements for prescribing and pharmacy applications, as outlined in 21 CFR part 1311, Requirements for Electronic Orders and Prescriptions, remain unchanged in this final rule.

¹ 86 FR 64881.

Legal Authority

The Controlled Substances Act (CSA) grants the Attorney General the authority to promulgate and enforce any rules, regulations, and procedures that he may deem necessary and appropriate for the efficient executions of his functions under subchapter I (Control and Enforcement) of the CSA.² The Attorney General has delegated this authority to the Administrator of the DEA.³

Purpose

DEA is revising its regulations to state that, upon request from the patient, a registered retail pharmacy may transfer an electronic controlled substance prescription in schedules II–V to another registered retail pharmacy for initial filling. This final rule specifies the procedures that retail pharmacies must follow and the information that must be documented when transferring EPCS. DEA believes that allowing the electronic transfer of controlled substance prescriptions will decrease the potential for duplicate prescriptions and thus reduce the opportunity for diversion or misuse.

Background

The CSA and its implementing regulations specify the requirements for issuing and filling prescriptions for controlled substances. DEA regulations permit a pharmacist to dispense a controlled substance prescription in schedule II only pursuant to a written prescription (including an electronic prescription), except in limited emergency situations, when dispensing pursuant to an oral prescription is permitted.⁴ No prescription for a controlled substance in schedule II may be refilled.⁵ DEA regulations permit a pharmacist to dispense a controlled substance in schedules III, IV, and V pursuant to a signed paper prescription, a facsimile of a signed paper prescription, an electronic prescription, or an oral prescription made by an individual practitioner and promptly reduced to writing by the pharmacist.⁶ Prescriptions for controlled substances in schedules III and IV may not be filled or refilled more than six months after the date of issuance or be refilled more than five times.⁷

The CSA does not address the transfer of paper or electronic prescriptions for controlled substances in any schedule

between pharmacies for initial filling. DEA regulations address the transfer of controlled substance prescriptions (schedules III–V) between pharmacies for refill dispensing, but not for initial dispensing.⁸

Unlike paper prescriptions which are issued directly to the patient, electronic prescriptions are transmitted directly from the practitioner to the pharmacy in the form of an electronic data file.⁹ If a paper prescription is presented at a pharmacy that is unable to fill it, the paper prescription could be returned to the patient, and the patient could then take the prescription to another pharmacy. However, because the pharmacy receives an electronic prescription as an electronic data file and not a physical paper prescription, it cannot give the prescription to the patient to take to another pharmacy. In this scenario, the pharmacy can only inform the patient that the prescription cannot be filled. The patient could then call the prescribing practitioner to request that a new prescription be sent to a different pharmacy.

DEA realizes that this scenario creates the potential for duplication of prescriptions, if the practitioner transmits a new prescription to a different pharmacy and does not cancel or void the original prescription that was sent to the first pharmacy. It also recognizes that this scenario creates additional burden for patients, who have to get back in touch with the prescribing practitioner to request a new prescription. As more practitioners are issuing controlled substance prescriptions electronically (as discussed below), there is an increasing need to address how a pharmacy should handle an electronic controlled substance prescription that it receives but cannot fill.

DEA's March 2010 interim final rule (IFR), *Electronic Prescriptions for Controlled Substances*, provides practitioners with the option of issuing, and pharmacies with the option of receiving, dispensing, and archiving EPCS in schedules II–V.¹⁰ In a request for information (RFI) published in August 2020, the Centers for Medicare and Medicaid Services (CMS) reported that it has seen a steady increase in the volume of controlled substance prescriptions submitted electronically

since DEA published the EPCS IFR.¹¹ Additionally, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (“SUPPORT Act”) mandates electronic prescribing of schedules II–V controlled substances (with some exceptions) covered under Medicare Part D, beginning January 1, 2021.¹² Further, Surescripts, a health information network and electronic prescribing intermediary, stated in its 2021 National Progress Report that as of January 2022, 35 States require, or will soon require, electronic prescribing of opioids, all controlled substances, or all prescriptions.¹³ In the same report, Surescripts also reported that the rate of electronic prescribing of controlled substances increased from 38 percent in 2019 to 58 percent in 2020 and to 73 percent in 2021. Thus, procedures for transferring EPCS between pharmacies for initial dispensing are needed urgently. In this final rule, DEA is amending its regulations to allow, upon request of the patient, the transfer of electronic prescriptions for schedules II–V controlled substances between registered retail pharmacies for initial filling on a one-time basis.

Summary of the Notice of Proposed Rulemaking

DEA published a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 19, 2021.¹⁴ The NPRM proposed to permit the transfer of EPCS in schedules II–V between registered retail pharmacies for initial filling on a one-time basis only. The NPRM also proposed the procedures that would need to be followed and the information to be documented when transferring EPCS for initial filling. The proposed rule focused only on the transfer of EPCS for initial dispensing. The NPRM did not propose changes to 21 CFR 1306.25, which permits the transfer of paper, oral, or electronic prescriptions in schedules III, IV, and V for refill dispensing, or the existing requirements for prescriptions (paper or electronic) in 21 CFR part 1306, Prescriptions, and 21 CFR part 1311, Requirements for Electronic Orders and Prescriptions. DEA invited comments

¹¹ Medicare Program; Electronic Prescribing of Controlled Substances; RFI, 85 FR 47151 (August 4, 2020).

¹² Public Law 115–271, sec. 2003(a)(b) (Oct. 24, 2018). This requirement is codified at 42 U.S.C. 1395w–104(e)(7).

¹³ Surescripts, National Progress Report 2021 (https://surescripts.com/docs/default-source/national-progress-reports/2021-national-progress-report.pdf?sfvrsn=71fcb15_12) (accessed June 2, 2022).

¹⁴ 86 FR 64881.

² 21 U.S.C. 871(b).

³ 28 CFR 0.100(b).

⁴ 21 CFR 1306.11(a) and (d).

⁵ 21 U.S.C. 829(a) and 21 CFR 1306.12(a).

⁶ 21 CFR 1306.21(a).

⁷ 21 CFR 1306.22(a).

⁸ 21 CFR 1306.25.

⁹ An electronic prescription is defined as “a prescription generated on an electronic application and transmitted as an electronic data file.” 21 CFR 1300.03.

¹⁰ 75 FR 16236 (Mar. 31, 2010). DEA subsequently reopened the comment period in 2020 to solicit public comment on certain issues. 85 FR 22018 (Apr. 21, 2020).

from the public to be submitted on or before January 18, 2022.

Discussion of Public Comments

DEA received 183 comments in response to the NPRM.¹⁵ The commenters included practitioner and professional organizations, pharmacy organizations, pharmacists' associations, State boards of pharmacy, a home delivery pharmacy, a health service organization, a health system, a health information technology developer, a standards developer, and members of the general public. DEA thanks all commenters for their input during the rulemaking process.

The majority of commenters expressed support for the rule. In fact, 89 comments were general statements of support, with no discussion of the proposed regulatory changes. Thirty-seven commenters shared personal accounts of occasions when they or a family member had an electronic prescription sent to the wrong pharmacy or a pharmacy that could not fill the prescription. While most commenters supported the rule in its entirety, some supported the rule's general purpose but were opposed to certain provisions and proposed changes to those particular provisions. Other commenters raised issues of concern, without proposing changes, or sought clarification. Only one commenter opposed the entire rule. Five comments were outside the scope of the rule. These comments, along with DEA's responses, are discussed below.

Patients' Consent for EPCS Transfers

Comments. Two commenters expressed concern that the proposed rule appears to allow the pharmacy to decide when and where a prescription is transferred instead of the patient. One commenter stated that patients should be allowed to request transfers of their prescriptions. Another commenter stated that the rule should require the transferring pharmacy to do the following: (1) Inform the patient of the need to transfer the prescription and the name and location of the pharmacy where the prescription will be transferred, and (2) obtain and document the patient's consent to transfer the prescription to the specified pharmacy location.

DEA Response. To prevent treatment delays, reduce patient burden, and minimize opportunities for diversion, DEA is allowing the transfer of EPCS between pharmacies for initial filling upon the patients' request. If a patient

is notified by a pharmacy that the pharmacy is unable to fill an EPCS, the patient may ask to have the prescription transferred to another pharmacy, chosen by the patient, that is able to fill the prescription. For additional clarity, DEA is adding "upon request from the patient" to 21 CFR 1306.08(e) in this final rule. However, DEA believes requiring a pharmacy to obtain and document a patient's consent to transfer a prescription would be unnecessarily burdensome.

Initial Dispensing Only

Comments. Two commenters expressed concern that the NPRM proposed allowing the transfer of EPCS between pharmacies for initial dispensing only, and did not address the transfer of EPCS for refill dispensing.

DEA Response. DEA currently permits the transfer of prescription information for refill dispensing of prescriptions for schedule III, IV, and V controlled substances on a one-time basis, if allowed under existing State or other applicable law.¹⁶ DEA notes that prescriptions for controlled substances in schedule II may not be refilled. The existing requirements for transferring EPCS for refill dispensing remain unchanged by this final rule.

EPCS Transferred as Electronic Data Files

Comments. Seventeen commenters mentioned the proposed provision in 21 CFR 1306.08(f)(1), which requires that the prescription be transferred from one pharmacy to another pharmacy in its electronic form. Two commenters supported this provision; one stated that they would no longer support the rule if this provision is removed. Eleven commenters expressed concern that most pharmacies' applications and prescription management software do not have the technology needed to transfer prescriptions electronically. Two commenters noted that pharmacies within the same chain may be able to transfer controlled substance prescriptions electronically because they share a common database but independent community pharmacies are not integrated in this way. Thus, one commenter stated that independent pharmacies would be disproportionately burdened by the rule, and the other commenter stated that the rule appears to be written in favor of keeping a prescription within a chain pharmacy network. One commenter noted that although this functionality became available when the National Council for

Prescription Drug Programs (NCPDP) released the SCRIPT Standard Version 2017071, the technology standard that facilitates electronic prescribing, many pharmacy vendors have not implemented the functionality. However, another commenter stated that the SCRIPT Standard Version 2017071 does not facilitate the electronic transfer of controlled substance prescription information at this time and noted that an updated version of the standard that would facilitate this transfer has been approved by NCPDP. The commenter also stated that implementation of the updated version of the standard will likely be a multi-year process. NCPDP confirmed in its comment that the recently approved changes to the standard include support for the one-time transfer of EPCS between pharmacies.

Two commenters stated that DEA should allow the electronic transfer of controlled substance prescriptions for initial filling as one option, but should not mandate electronic transfer as the only option for transferring EPCS. Six commenters suggested that the final rule should allow the transfer of EPCS between pharmacies through pharmacist-to-pharmacist communication by phone or via facsimile. One commenter, noting that pharmacists have been transferring prescriptions successfully for a long time, stated that pharmacists should be trusted and allowed to transfer EPCS by oral communication between the two pharmacists, or by transmitting via facsimile a printed copy of the prescription, annotated with all the required documentation to indicate that the prescription was transferred.

DEA Response. DEA disagrees with the commenter's suggestion that the rule is written in favor of keeping a prescription within a chain pharmacy network and does not believe independent pharmacies will be disproportionately burdened by this rule. DEA has always required, since it began allowing controlled substances to be prescribed electronically, that all records related to such prescriptions must be retained electronically.¹⁷ The final rule permits the transfer of EPCS between pharmacies for initial filling upon request from the patient.¹⁸ Thus, the patient decides if, and to which pharmacy, a prescription is transferred. In addition, NCPDP confirmed in its comment that the new SCRIPT Standard Version 2017071, which is available to both independent and chain

¹⁵ A total of 183 comments were received; however, five commenters submitted duplicate comments.

¹⁶ See 21 CFR 1306.25.

¹⁷ See 75 FR 16235 at 16243 and 21 CFR 1311.305(a).

¹⁸ New 21 CFR 1306.08(e).

pharmacies, enables the transfer of prescriptions between pharmacies. DEA acknowledges that some pharmacies may need to coordinate with their pharmacy technology vendors to have certain SCRIPT transactions, including the transaction used to transfer prescriptions between pharmacies, incorporated into their pharmacy applications. The cost associated with this incorporation, if any, is not set by DEA and is beyond the scope of DEA's authority. Further, in 2018, CMS adopted SCRIPT 2017071 as the official electronic prescribing standard for prescriptions covered under Medicare Part D.¹⁹ Consequently, pharmacies that wish to transfer EPCS covered under a Medicare Part D drug plan are already required to have and use the SCRIPT 2017071 transaction that facilitates the transfer of prescriptions between pharmacies.²⁰ Hence, the final rule continues to require that once a controlled substance prescription is created electronically, it must remain in its electronic format and all records related to the prescription must be retained electronically.

Transfer of EPCS for Initial Filling on a One-Time Basis Only

Comments. Six commenters mentioned the provision that permits the transfer of EPCS between pharmacies for initial dispensing on a "one-time basis only." Two commenters opposed the one-time only limitation. The commenters stated that DEA should at a minimum, allow pharmacies that share a real-time online database, if not all pharmacies, to transfer EPCS for initial dispensing more than once, if needed. One of the commenters also noted that DEA permits pharmacies that share a real-time, online database to transfer prescriptions for schedule III–V controlled substances for refill dispensing up to the maximum number of refills permitted by law and the prescriber's authorization. Four commenters asked DEA to clarify the applicability of the one-time only limitation in specific scenarios. For example, two commenters noted that a prescription could be transferred from one pharmacy that cannot fill it to another pharmacy that is also unable to fill the prescription. One of the commenters stated that as written, the rule would not allow the prescription to be transferred again and thus the patient would be burdened with having to

contact the prescribing practitioner to request a new prescription, which is the specific scenario the rule seeks to prevent. Two commenters asked about the transfer of EPCS issued with authorized refills. The commenters asked whether the refills would be transferred with the prescription or remain at the pharmacy that received the prescription from the prescribing practitioner. Another commenter asked if the one-time only transfer allowed for initial dispensing is in addition to the transfer allowed for refill dispensing under 21 CFR 1306.25. One commenter asked if the one-time only limit prohibits the transfer of subsequent controlled substance prescriptions issued to the same pharmacy that transferred the previous prescription to an alternate pharmacy for initial dispensing.

DEA Response. DEA believes the one-time transfer allowance is sufficient to accommodate most situations in which a transfer would be needed for initial dispensing. In an article discussing the adoption of the SCRIPT Standard Version 2017071, Surescripts notes that the receiving pharmacy has to initiate the prescription transfer, when a transfer is requested.²¹ In the interest of patient care, as well as good business practice, DEA believes a pharmacy would not request the transfer of a prescription that it cannot fill. As such, the scenario described by the commenters in which a prescription is transferred from one pharmacy to another pharmacy that is also unable to fill the prescription should occur rarely, if ever. Nonetheless, DEA recommends that the patient confirms the ability of the receiving pharmacy to fill the prescription before requesting the transfer.

DEA wishes to clarify that the one-time basis stipulation for transferring EPCS for initial filling is per prescription. In other words, each prescription transmitted from a practitioner to a retail pharmacy may be transferred one time, upon request from the patient, regardless of whether any previous EPCS were transferred. If the prescription being transferred includes authorized refills, the refills are transferred with the prescription to the pharmacy receiving the transfer. This final rule adds additional text to 21 CFR 1306.08(e) to provide this clarification. As proposed in the NPRM, this final

rule permits the transfer of EPCS between pharmacies for initial dispensing on a one-time basis only. This is consistent with the current regulations at 21 CFR 1306.25 for the transfer of prescription information between pharmacies for refill dispensing of schedule III–V EPCS on a one-time basis only.²² DEA notes that 21 CFR 1306.25 remains unchanged by this final rule.

Comments. One commenter asked that DEA clarify in the final rule that a pharmacy that receives transfers of EPCS will not be held responsible for filling a transferred prescription that may have been transferred multiple times.

DEA Response. Pharmacists continue to have a corresponding responsibility to ensure they are filling valid controlled substance prescriptions; nothing in DEA's regulations on EPCS alters a pharmacy's responsibilities to ensure the validity of a controlled substance prescription.²³ Therefore, DEA does not believe any further clarifications are needed in this final rule.

Transfers Communicated Between Two Licensed Pharmacists

Comments. One commenter suggested that DEA allow the transfer of EPCS to be communicated between pharmacy personnel (e.g., pharmacy technicians, pharmacist interns, etc.), as permitted by State laws, instead of requiring the communication to be between two licensed pharmacists.

DEA Response. Existing DEA regulations ". . . include any other person (e.g., pharmacist intern) authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such State" in the definition of a pharmacist.²⁴ As such, DEA does not believe any further clarification is needed, as the existing regulations include the allowance requested by the commenter. However, DEA emphasizes that a pharmacist continues to have a corresponding responsibility to fill only those prescriptions that conform in all respects with the requirements of DEA regulations.²⁵

Pharmacy Software that Automatically Populates Prescription Data

Comments. Five commenters asked that DEA allow the transferring and receiving pharmacies' prescription processing software, if capable, to

¹⁹ Medicare Program; Contract Year 2019 Policy and Technical Changes to the Medicare Advantage, Medicare Cost Plan, Medicare Fee-For-Service, the Medicare Prescription Drug Benefit Programs, and the PACE Program, 83 FR 16440 (April 16, 2018).

²⁰ 42 CFR 423.160(b)(2)(iv).

²¹ Swartz, L. and Whittemore, K. A giant leap: The industry adopts a new version of the national e-prescribing standard. November 2019. https://surescripts.com/docs/default-source/intelligence-in-action/ncpa-surescripts_script_2017071_pharmacist_ce_article_11-2019.pdf (accessed April 14, 2023).

²² 21 CFR 1306.25(a).

²³ 21 CFR 1306.04(a) and 1311.100(f).

²⁴ 21 CFR 1300.01(b).

²⁵ 21 CFR 1306.04(a).

capture the required information from the electronic prescription and automatically populate the corresponding data fields to document prescription transfers on behalf of the pharmacists.

DEA Response. In light of the comments received on this issue, DEA is revising this final rule to permit a transferring or receiving pharmacy's prescription processing software, if capable, to capture the information required from the electronic prescription and automatically populate the corresponding data fields to document the transfer of prescriptions between pharmacies. However, the transferring or receiving pharmacist must ensure that the populated information is complete and accurate. This provision is added in a new paragraph (f)(6) in 21 CFR 1306.08.

Schedule II Controlled Substances Prescriptions

Comments. One commenter stated that, when a practitioner issues multiple prescriptions for schedule II controlled substances pursuant to 21 CFR 1306.12, the rule should allow one or all of those prescriptions to be transferred for initial dispensing, if requested by the patient.

DEA Response. Although issued at the same time, each prescription for schedule II controlled substances issued pursuant to 21 CFR 1306.12 is a separate prescription. Therefore, if issued electronically, any of these prescriptions may be transferred between pharmacies on a one-time basis for initial dispensing under the conditions set forth in this final rule.

Partial Fills

Comments. Two commenters noted that the proposed rule does not address partial fills of EPCS. The commenters requested clarification regarding the ability of a pharmacy to partially fill a controlled substance prescription and then transfer the remainder to another pharmacy for dispensing of the remaining portion. One of the commenters specifically asked about partial filling of schedule II controlled substance prescriptions while the other commenter asked about all controlled substance prescriptions.

DEA Response. Current DEA regulations permit partial filling of prescriptions for controlled substances in schedules III–V.²⁶ Existing regulations also permit partial filling of a prescription for a schedule II controlled substance if the pharmacy is unable to supply the full quantity.²⁷ In

this case, the remaining portion of the prescription may be filled within 72 hours of the first partial filling; no additional quantity may be supplied after the 72-hour period without a new prescription.²⁸ In addition, DEA published a final rule²⁹ on July 21, 2023, which amends 21 CFR 1306.13 to allow a pharmacist to partially fill a prescription for a schedule II controlled substance at the request of the prescribing practitioner or the patient, if permissible under State law.³⁰ This rule becomes effective on August 21, 2023.

Regarding the transfer of prescriptions for controlled substances, existing regulations permit the transfer of schedules III–V controlled substance prescriptions for refill dispensing only.³¹ Further, under this final rule, the regulations will permit the transfer of EPCS in schedules II–V between DEA-registered retail pharmacies for initial dispensing upon request from the patient. At this time, however, no DEA regulation permits a partially-filled controlled substance prescription to be transferred from one DEA-registered pharmacy to another for dispensing of the remaining portion of the prescription. DEA did not propose any revisions related to the partial filling of controlled substances prescriptions in the proposed rule; thus, such a change would be outside the scope of this final rule. Nonetheless, DEA believes these regulations provide adequate options for patients to obtain their medication without significant treatment disruptions or delays when pharmacies are unable to fill controlled substances prescriptions received electronically. DEA does not believe further revisions to these regulations are warranted at this time.

Economic Impact Analysis

Comments. Four commenters mentioned the economic impact analysis that was included in the NPRM. One commenter, while supporting the proposed rule, stated that the analysis focused only on monetary benefits and did not include unquantifiable benefits such as the reduced stress and improved productivity patients will experience as a result of the rule. A practitioner organization agreed with DEA's conclusion that the rule will result in net cost savings overall. However, the commenter noted that the analysis assumed that a practitioner's

administrative staff would handle calls from patients requesting new prescriptions, but some practitioners do not employ administrative staff and must handle the calls themselves. Thus, the commenter stated that the actual net cost savings of the rule will be higher than DEA's estimate.

One pharmacists' association supports DEA's proposal to allow the transfer of EPCS between pharmacies for initial filling from a patient care perspective, but expressed concern about the economic impact of the proposed rule on pharmacies. The association noted that although DEA estimates the rule will result in overall health system cost savings of \$22 million annually, pharmacies will actually incur significant costs of \$91,625,000 annually, as estimated by DEA.³² The association also noted that while DEA acknowledges that pharmacies will incur additional expenses, including modifying software configurations, updating business processes, and training personnel, these costs were not included in DEA's analysis. Another commenter agreed that the analysis did not include costs for software upgrades and further noted that the analysis underestimated the time required to process prescription transfers. The commenter stated that processing a prescription transfer can take 15 minutes or more, depending on how busy the pharmacies are at the time of the request. Moreover, the commenter stated that the economic impact analysis did not include additional time and expenses incurred by patients who may need to travel farther to pick up medication from the pharmacy receiving the transfer.

DEA Response. DEA agrees that, in addition to saving time, as indicated in the analysis below, this rule is likely to benefit patients in many other ways, including reducing stress, as noted by the commenter. In addition to minimizing opportunities for diversion, DEA's chief reasons for this rulemaking are to provide patients with the option of transferring EPCS for initial filling to prevent treatment delays and reduce patient burden. However, this final rule does not require a patient to request a transfer. DEA emphasizes that the patient decides if, and to which pharmacy, a prescription is transferred. Thus, this rule does not impose any additional travel burden on patients.

³² The analysis has been updated since the NPRM using the most recent data available. The updated estimated overall health system cost savings is \$29 million and the cost to pharmacies is \$50,005,000. See the Executive Order 12866 and Regulatory Flexibility Act sections below under Regulatory Analyses for the detailed analysis.

²⁸ 21 CFR 1306.13(a).

²⁹ *Partial Filling of Prescriptions for Schedule II Controlled Substances*, 88 FR 46983 (July 21, 2023).

³⁰ 21 CFR 1306.13(b).

³¹ 21 CFR 1306.25.

²⁶ 21 CFR 1306.23.

²⁷ 21 CFR 1306.13.

DEA also agrees the cost savings per transfer would be higher for prescribing practitioners who do not have administrative staff and would have to handle calls from patients requesting new prescriptions themselves under current regulations. According to Surescripts' "2021 National Progress Report," the rate of electronic prescribing of controlled substances was 73 percent in 2021.³³ DEA believes it is reasonable to assume that, on average, EPCS utilization will skew toward practitioners with larger infrastructure and administrative staff, while recognizing that there are some small and independent offices without administrative staff that may experience greater cost savings than estimated. This is because, under this final rule, the prescribing practitioners at those small and independent offices (versus administrative staff at larger practices), would no longer have to handle calls from patients requesting new prescriptions be sent to alternate pharmacies for initial dispensing.

In regards to the estimated additional costs that pharmacies will incur, DEA notes that, although the rule allows EPCS to be transferred at the request of a patient, it does not require a pharmacy to transfer EPCS if it is unable to do so (e.g., due to system limitations). In the economic analysis, DEA estimated that there will be additional costs to the transferring and receiving pharmacies. However, a pharmacy is expected to participate in transfers of EPCS based on its own analysis of benefits and costs. While only costs were quantified, benefits to pharmacies may include customer retention, increased customer traffic, increased customer loyalty, good will, etc., leading to increased sales over time. DEA estimates each transfer of EPCS will cost \$2.92 and \$4.38 for the transferring and receiving pharmacies, respectively.³⁴ Since pharmacies are likely to transfer and receive, an average was taken to determine the typical cost per EPCS transfer for a pharmacy. The average cost is \$3.65 per transfer.³⁵ Applying this total to the estimated maximum number of transfers of 13.7 million per year results in a maximum total net cost, to all pharmacies combined, of \$50,005,000 annually.³⁶ As noted above, this \$50 million

estimate does not reflect the costs that are mandated by this rule, as this rule by its terms does not require pharmacies either to transfer EPCS or receive EPCS, but it does reflect the estimated cost of doing business for pharmacies that choose to transfer EPCS or receive EPCS under this rule.

In the Regulatory Flexibility Act analysis below, DEA compared the estimated cost of this rule to the annual revenues of the smallest of small pharmacy firms, those with less than \$100,000 in annual revenue. The estimated cost of this rule is \$9 annually for the 666 smallest of small pharmacies.³⁷ The average cost per firm of \$9 equates to 0.01745 percent of average receipt per firm of \$51,565.³⁸ DEA anticipates this rule will not have a significant economic impact for the smallest of small pharmacies; and therefore, this rule will also not have a significant economic impact for larger pharmacies. Additionally, as noted in the analysis, DEA expects minor system and implementation expenses, which consist of modifying software configurations, updating business processes, and minimal personnel training. DEA estimates the cost of these changes is minimal. As discussed above, these costs are not being mandated by this rule, but would be voluntarily borne by the various pharmacies in order to improve or expand their abilities for transferring EPCS.

Other Comments

Comments. One commenter recommended that EPCS transmitted to one pharmacy and dispensed at another pharmacy should not be considered transferred prescriptions if the pharmacy that received the prescription and the pharmacy that dispensed the prescription are both owned by the same entity and share the same integrated information technology (IT) system.

DEA Response. The CSA and DEA regulations require each registrant to maintain complete and accurate records of controlled substances.³⁹ Each pharmacy, not the entity who owns the pharmacy, is a DEA registrant and is therefore, subject to DEA's recordkeeping requirements. Consequently, a prescription that is received at one pharmacy and dispensed at a different pharmacy is a transferred prescription because the transaction is occurring between two different DEA registrants, even if they

are owned by the same entity and share an integrated IT system.

Comments. One commenter recommended that DEA require a pharmacy transferring EPCS to verify that the pharmacy receiving the transferred prescription will be able to dispense the prescription's full quantity prior to transferring the prescription to that receiving pharmacy.

DEA Response. This rule provides for transfers of EPCS at the request of the patient. Although DEA suggests that the transferring pharmacy or the patient verify, prior to the transfer, that the receiving pharmacy is able to fill the transferred prescription, DEA is not requiring pharmacies to do so.

Comments. One commenter stated that the prescribing practitioner should receive an automatic notification when a controlled substance prescription that they issued is transferred.

DEA Response. DEA does not believe that it is necessary to require pharmacies to notify practitioners when an electronic controlled substance prescription that they issued is transferred. DEA believes this would be unnecessarily burdensome to pharmacies.

Comments. One commenter asked that DEA expand exceptions to the definition of "online pharmacy" to clarify that using the internet to transfer prescription information between pharmacies does not render a pharmacy an "online pharmacy."

DEA Response. DEA does not believe further clarification is necessary. The definition of an online pharmacy contains ten exceptions, which include a DEA-registered pharmacy whose dispensing of controlled substances via the internet consists solely of filling prescriptions that were electronically prescribed in a manner otherwise consistent with DEA regulations and the CSA.⁴⁰

Comments. One commenter recommended that DEA work with State prescription drug monitoring programs (PDMPs) to require pharmacies receiving transferred EPCS to report the transfers to the PDMP. The commenter stated that prescribers should be able to easily identify transferred prescriptions when searching a PDMP database.

DEA Response. PDMP reporting is beyond the scope of this rule and DEA's authority, as PDMPs are regulated by the States.

Comments. One commenter suggested that DEA should preempt any State requirements for transferring EPCS that exceed the requirements established by DEA.

³³ The numbers have been updated since the NPRM with 2021 data. See the Executive Order 12866 section below under Regulatory Analyses for the detailed analysis.

³⁴ Id.

³⁵ The numbers have been updated since the NPRM with 2021 data. See the Regulatory Flexibility Act section below under Regulatory Analyses for the detailed analysis.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ 21 U.S.C. 827 and 21 CFR 1304.21(a).

⁴⁰ See 21 CFR 1300.04(h)(9).

DEA Response. DEA generally will not preempt any State laws or regulations related to dispensing controlled substances,⁴¹ including the transfer of EPCS between pharmacies for initial dispensing.

Comments. One commenter recommended that DEA revise the language in the proposed 21 CFR 1306.08(g), which states that EPCS transfers for initial dispensing are permissible only if allowable under existing State or other applicable law. The commenter stated that, as currently written, a State would have to enact a law to expressly allow this activity. The commenter recommended replacing “only if allowable under existing State or other applicable law” with “unless prohibited by existing State or other applicable law.”

DEA Response. DEA understands the commenter’s concern. However, DEA is not amending this language at this time. The regulations for the transfer of EPCS between pharmacies for initial dispensing were written to parallel those for the transfer of prescription information for refill dispensing, as well as those for prescriptions in general. DEA notes that the phrase, “only if allowable under existing State or other applicable law,” is included in several provisions in 21 CFR part 1306.⁴²

Comments. One commenter recommended that DEA use the term “forward” instead of “transfer” when referring to the transfer of prescription information for initial dispensing. The commenter was concerned that the transfer of prescription information for initial dispensing would be confused with the transfer of prescription information for refill dispensing outlined in 21 CFR 1306.25. The commenter noted that while schedule II controlled substance prescriptions cannot be transferred for refill dispensing because refills are not permitted, this rule, if promulgated, will allow the transfer of schedule II controlled substance prescriptions between pharmacies for initial dispensing.

DEA Response. DEA understands the commenter’s concern and preference for differentiating between prescriptions transferred for initial dispensing and those transferred for refill dispensing. However, DEA uses “transfer” to refer to the exchange of prescription information between pharmacies for both initial and refill dispensing. Therefore, this final rule continues to use the term “transfer.”

Out of Scope

Five comments were outside the scope of this rule. Three commenters asked DEA to also allow controlled substance prescriptions prescribed orally and via facsimile to be transferred between pharmacies for initial dispensing. This is beyond the scope of this rule which only addresses the one-time transfer of EPCS between pharmacies for initial dispensing. One commenter disagreed with health insurance entities requiring prior authorization for medications currently being prescribed and those prescribed to treat chronic illnesses. The commenter also stated that after patients have been prescribed medications to treat chronic illnesses for an extended period of time, the prescriptions should be allowed to be refilled without requiring patients to revisit the prescribing practitioner or requiring the practitioner to issue new prescriptions. Additionally, the commenter stated that practitioners should be allowed to prescribe stimulants for less than a 30-day supply. One commenter wanted medications used to treat attention-deficit/hyperactivity disorder removed from the controlled substances lists. These comments are beyond the scope of this rulemaking and therefore are not addressed.

Summary of Changes From the NPRM

DEA is finalizing the proposed regulatory text with modifications to address concerns brought forth by commenters. The final rule adds “upon request from the patient,” to the proposed text in 21 CFR 1306.08(e) to clarify that prescription transfers must be requested by the patient. Further, a new sentence is also added to 21 CFR 1306.08(e) to clarify that, when a prescription for a schedule III, IV, or V controlled substance issued with authorized refills is transferred, the authorized refills are transferred with the original prescription.

Additionally, a new paragraph is added to 21 CFR 1306.08(f) to state that a transferring or receiving pharmacy’s prescription processing software, if capable, is permitted to capture the information required from the electronic prescription and automatically populate the corresponding data fields to document the transfer of prescriptions between pharmacies. The new paragraph also states that the transferring or receiving pharmacist, as applicable, must ensure that the populated information is complete and accurate.

Summary of the Final Rule

DEA is amending its regulations to allow, upon request from the patient, the transfer of EPCS between registered retail pharmacies for initial filling on a one-time basis only. The final rule explicitly states that an electronic prescription for a controlled substance in schedule II–V may be transferred between retail pharmacies for initial filling on a one-time basis only, upon request from the patient, and clarifies that any authorized refills included on a prescription for a schedule III, IV, or V controlled substance are transferred with the original prescription. The final rule specifies the following requirements that must be met when EPCS are transferred between pharmacies for initial dispensing. The prescription must be transferred in its electronic form and may not be converted to another form (e.g., paper, facsimile) for transmission. The information required to be on a controlled substance prescription pursuant to 21 CFR part 1306 must be unaltered during the transmission. The transfer must be communicated between two licensed pharmacists. The final rule also stipulates that the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law.

The final rule describes the documentation requirements for pharmacies transferring EPCS for initial filling. A pharmacist transferring an electronic controlled substance prescription must update the electronic prescription record to note that the prescription was transferred. The transferring pharmacist must also update the prescription record with the following information: the name, address, and DEA registration number of the pharmacy to which the prescription was transferred; the name of the pharmacist receiving the transfer; the name of the transferring pharmacist; and the date of the transfer. Similarly, the pharmacist receiving the transferred prescription must record the transferring pharmacy’s name, address, and DEA registration number, the name of the transferring pharmacist, the date of the transfer, and the name of the pharmacist receiving the transfer. In lieu of manual data entry, the transferring or receiving pharmacy’s prescription processing software may, if capable, capture the aforementioned required information from the electronic prescription and automatically populate the corresponding data fields to document the transfer. However, the transferring or receiving pharmacist, as applicable, must ensure that the

⁴¹ See 21 U.S.C. 903.

⁴² See 21 CFR 1306.12(b)(1)(iv) and (v) and 1306.25(e).

populated information is complete and accurate. The final rule requires the electronic records documenting EPCS transfers to be maintained for a period of two years from the date of the transfer by both the pharmacy transferring the prescription and the pharmacy receiving and filling the prescription.⁴³ The existing requirements for all prescriptions, as outlined in 21 CFR part 1306, Prescriptions, and the requirements for prescribing and pharmacy applications, as outlined in 21 CFR part 1311, Requirements for Electronic Orders and Prescriptions, remain unchanged in this final rule.

Regulatory Analyses

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

This final rule was developed in accordance with the principles of Executive Orders (E.O.) 12866 and 13563. E.O. 12866 directs 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 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. The Office of Management and Budget (OMB) has determined that this rule is not a “significant regulatory action” under E.O. 12866, section 3(f).

Analysis of Benefits and Costs

DEA is amending its regulations to allow the transfer of electronic prescriptions for schedule II–V controlled substances between registered retail pharmacies for initial dispensing, upon request from the patient, on a one-time basis only. This amendment specifies the procedure that must be followed and the information that must be documented when transferring EPCS between DEA-registered retail pharmacies. As described below, DEA estimates the annual cost savings of this rule is \$29 million.⁴⁴

The final rule specifies that: the transfer must be communicated directly between two licensed pharmacists; the prescription must be transferred in its electronic form and may not be converted to another form (e.g., facsimile) for transmission; the required

prescription information must be unaltered during the transmission; and the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law. In addition to the above, the pharmacist transferring the prescription must update the electronic prescription record to note that the prescription was transferred. The transferring pharmacist must also record the name, address, and DEA registration number of the pharmacy to which the prescription was transferred, the name of the pharmacist receiving the transfer, the name of the transferring pharmacist, and the date of the transfer. Similarly, the pharmacist receiving the transferred prescription must record the transferring pharmacy’s name, address, and DEA registration number, the name of the transferring pharmacist, the date of the transfer, and the name of the pharmacist receiving the transfer. Finally, the final rule requires that the electronic records documenting the transfer be maintained for a period of two years from the date of the transfer by both the pharmacy transferring the electronic prescription and the pharmacy receiving the prescription.

As DEA regulations previously did not permit the transfer of schedule II–V EPCS from one retail pharmacy to another retail pharmacy for initial filling, DEA anticipates the ability to transfer EPCS under this final rule will affect the following parties: the first (transferring) pharmacy, patient, prescriber, and second (receiving) pharmacy. To quantify the economic impact of this rule, DEA estimated the average cost and cost savings for each transfer and applied this cost or cost savings to the estimated number of transfers.⁴⁵ DEA notes, however, that nothing in this rule mandates that pharmacies must transfer EPCS, or must receive EPCS; so, the economic analysis addresses the estimated costs and cost savings in instances where the transferring and receiving pharmacies agree to engage in such transfers under the terms of this rule.

Estimated Cost or Cost Savings per Transfer

To estimate the unit cost or cost savings, DEA compared the anticipated activities for each of the affected parties when a pharmacy receives EPCS it cannot fill under current practices (prior to the final rule) versus the final rule. The term “current” is used in the

analysis to mean prior to the implementation of this final rule. The anticipated activities for each of the affected parties under current practices are described below. DEA understands there may be many operational variations; however, DEA believes the scenarios described below are good representations for the purposes of estimating costs.

The anticipated activities for each of the affected parties under current practice are described below.

1. The first (transferring) pharmacy contacts the patient to inform the patient that it is unable to fill the prescription.

2. The first pharmacy notes action taken, as needed.

3. The patient receives the call from the first pharmacy notifying the patient that it is unable to fill the prescription.

4. The patient contacts the prescriber and requests a new prescription.

5. The prescriber’s secretary or administrative personnel receives the phone call from the patient.

6. The prescriber cancels the EPCS at the first pharmacy and issues a new EPCS at an alternate (receiving) pharmacy.

7. The alternate pharmacy receives and fills the EPCS.

8. The patient receives the filled prescription from the alternate pharmacy.

By contrast, the anticipated activities for each of the affected parties under the final rule and the economic impact are described below.

1. The first (transferring) pharmacy contacts the patient to inform them that it is unable to fill the prescription. DEA assumes the duration of the call to the patient is the same under the current and final rule scenarios, and therefore, there is no impact on the transferring pharmacy.

2. The patient receives a call from the transferring pharmacy notifying the patient that it is unable to fill the prescription; the patient requests that the prescription be transferred to an alternate (receiving) pharmacy. DEA assumes the duration of the call from the transferring pharmacy is the same under current and final rule scenarios. Therefore, there is no impact to the patient.

3. The patient (nor the transferring or receiving pharmacy) does not need to contact the prescriber to request a new prescription under the final rule. Therefore, there are cost savings for the patient from not contacting the prescriber.

4. The prescriber does not receive a call from the patient. Therefore, there are cost savings for the prescriber.

⁴³ 21 CFR 1304.06(g).

⁴⁴ This analysis has been updated since the NPRM with the latest available data.

⁴⁵ DEA expects minor system and implementation expenses, which consist of modifying software configurations, updating business processes, and minimal personnel training. DEA estimates the cost of these changes is minimal.

5. The prescriber does not need to issue a new EPCS. Therefore, there are cost savings for the prescriber.

6. The transferring pharmacy transfers the prescription (including contacting the receiving pharmacy, exchanging information, and recording the required information regarding transfer). Transferring the prescription will take longer than simply informing the patient that the prescription cannot be filled. Therefore, there is an additional cost to the transferring pharmacy to transfer a prescription.

7. The alternate (receiving) pharmacy receives the transfer and fills the transferred EPCS (including being contacted by the transferring pharmacy, exchanging information, and recording

the required information regarding transfer). DEA anticipates there will be additional costs related to being contacted by the transferring pharmacy and exchanging information. Therefore, there is an additional cost to the receiving pharmacy to transfer a prescription, but the receiving pharmacy also obtains full reimbursement for the cost of filling the prescription.

8. The patient receives the filled prescription from the alternate (receiving) pharmacy. DEA assumes the burden is the same under the current and final rule scenarios, and therefore, there is no impact on the patient. Note that there may be a burden for the

patient in needing to travel to a different pharmacy, but that is a cost that arises in every case where the patient must go to a different pharmacy than expected because the first pharmacy is unable to fill the prescription. There is no difference under this rule in the patient's burden in traveling to a different pharmacy, whether the EPCS is transferred under this rule, or the prescriber sends a new EPCS to the second pharmacy, or the patient takes a paper prescription to the second pharmacy.

Table 1 summarizes the activity scenarios under current practices (prior to the final rule) and final rule and the anticipated economic impact.

TABLE 1—PERSONS AND ACTIVITIES, CURRENT VS. FINAL RULE

Persons	Change in activity		Economic impact
	Current	Final Rule	
First or Transferring Pharmacy.	First pharmacy contacts patient to inform that they are unable to fill the prescription. Note action taken (<i>i.e.</i> , void, cancel, etc.), as needed.	Transferring pharmacy contacts patient to inform that it is unable to fill the prescription. Transfer prescription. "Transfer" includes: contacting the receiving pharmacy, exchanging information, and recording the required information regarding transfer.	Assume duration of call/contact is same ==> no impact. Additional cost to transfer vs. noting action taken.
Patient	Receive call from pharmacy that it is unable to fill the prescription.	Receive call from pharmacy that it is unable to fill the prescription, request transfer of the prescription to an alternate (receiving) pharmacy.	Assume duration of call/contact is same ==> no impact.
Prescriber	Contact prescriber to request new prescription.	N/A	Cost savings from not having to contact prescriber.
	Receive filled prescription from second (receiving) pharmacy.	Receive filled prescription from receiving pharmacy.	Assume same burden ==> no impact.
	Receive call from patient. (prescriber's secretary).	N/A	Cost savings.
Second (Receiving) Pharmacy.	Cancel prescription sent to first pharmacy and issue new prescription at second (receiving) pharmacy.	N/A	Cost savings.
	Receive prescription and fill	Receive transfer and fill. "Transfer" includes: being contacted by the transferring pharmacy, exchanging information, and recording the required information regarding transfer.	Additional cost to receive and record transfer, but the receiving pharmacy gets full reimbursement for filling prescription.

Cost or cost savings is based on applying the loaded labor rate for each of the affected persons to the estimated time to conduct the activity. The Bureau of Labor Statistics (BLS) hourly wage data for various occupation codes was used to estimate the labor rates for each of the affected persons. Occupation codes 29–1051 Pharmacists, 00–0000 All Occupations, and 43–6013 Medical Secretaries and Administrative Assistants are used as best representations of first (transferring) and second (receiving) pharmacists, patient, and prescriber's secretary, respectively. DEA estimates the best representation for prescribers are the occupation codes

29–1215 Family Medicine Physicians, 29–1171 Nurse Practitioners, and 29–1071 Physician Assistants for practitioner, nurse practitioner, and physician assistant prescribers, respectively. The occupation code 29–1215 Family Medicine Physicians was chosen to represent practitioners as DEA estimates that it best represents the typical prescribing practitioner.

DEA estimates the median hourly wages for the first (transferring) and second (receiving) pharmacist, patient, prescriber's secretary, and prescriber are \$61.81, \$22.00, \$18.01, and \$99.18,

respectively.^{46 47} Additionally, BLS reports that average benefits for private industry is 29.5 percent of total compensation. The 29.5 percent of total compensation equates to 41.8 percent (29.5 percent/70.5 percent) load on

⁴⁶ BLS, May 2021 National Occupational Employment and Wage Estimates United States. http://www.bls.gov/oes/current/oes_nat.htm.

⁴⁷ The prescriber median hourly wage is a weighted average of the hourly wages of the occupation codes 29–1215 Family Medicine Physicians, 29–1171 Nurse Practitioners, and 29–1071 Physician Assistants, with the weights based on 1,368,536 Practitioner, 331,410 Nurse Practitioner, and 143,725 Physician Assistant active DEA registrations on 6/10/2022.

wages and salaries.⁴⁸ The load of 41.8 percent is added to each of the hourly rates to estimate the loaded hourly rates. The loaded hourly rates for the first

(transferring) and second (receiving) pharmacy, patient, prescriber's secretary, and weighted average prescriber are \$87.65, \$31.20, \$25.54,

and \$140.64, respectively. Table 2 summarizes the calculation for the loaded hourly wages for each of the affected persons.

TABLE 2—LOADED HOURLY WAGES

Affected persons	Occupation code	Occupation code description	Median hourly wage	Loaded hourly median wage
Patient	00–0000	All Occupations	\$22.00	\$31.20
Pharmacist	29–1051	Pharmacists	61.81	87.65
Medical secretary	43–6013	Medical Secretaries and Administrative Assistants.	18.01	25.54
Prescriber .....	.....	Prescriber (Weighted Average)	99.18	140.64

The below sections describe the calculation conducted to quantify the economic impact associated with the changes in activities under the current and final rule scenarios described above.

1. Currently, the first pharmacy contacts the patient to inform the patient that the pharmacy is unable fill the prescription. DEA estimates that it takes three minutes for the first pharmacist to call the patient. From Table 2, the estimated loaded hourly rate of a pharmacist is \$87.65. Multiplying the loaded hourly rate of \$87.65 by 0.05 (3/60) hours results in a cost of \$4.38. Under the final rule, the first (transferring) pharmacist would also contact the patient regarding the inability to fill the prescription. DEA estimates that it would also take three minutes for the transferring pharmacist to call the patient under the final rule, resulting in the same cost of \$4.38. Therefore, there is no economic impact to the transferring pharmacy associated with this activity under the final rule.

2. Currently, the first pharmacist notes in the electronic prescription record that the prescription was not filled. DEA estimates that it takes one minute for the first pharmacist to make the entry in the electronic prescription record. From Table 2, the estimated loaded hourly rate of a pharmacist is \$87.65. Multiplying the loaded hourly rate of \$87.65 by 0.0167 (1/60) hours results in a cost of \$1.46. Under the final rule, the transferring pharmacy may transfer the prescription, upon request from the patient, to the receiving pharmacy. Additionally, the transferring pharmacy must also contact the receiving pharmacy and exchange and document information such as the transferring pharmacy's name, address and DEA registration number, the name of the transferring pharmacist, and the name of the pharmacist receiving the transfer. DEA estimates that it takes

three minutes for the transferring pharmacist to transfer the prescription. From Table 2, the estimated loaded hourly rate of a pharmacist is \$87.65. Multiplying the loaded hourly rate of \$87.65 multiplied by 0.05 (3/60) hours results in a cost of \$4.38. Therefore, the net cost to the transferring pharmacy under the final rule is \$2.92 (\$4.38–\$1.46) per transfer.

3. Under current practices, the patient first receives a call from the pharmacist who informs him/her that his/her prescription cannot be filled. DEA estimates that the call between the pharmacist and the patient lasts three minutes. From Table 2, the estimated loaded hourly rate of a patient is \$31.20. Multiplying the loaded hourly rate of \$31.20 multiplied by 0.05 (3/60) hours results in a cost of \$1.56 to the patient. Under the final rule, this activity does not change. With transfers of EPCS, the pharmacist must still contact the patient. Thus, under the final rule, the patient also receives a call from the pharmacist. Estimating three minutes for the call, there is still a cost of \$1.56 to the patient. Therefore, there is no economic impact to the patient associated with this activity under the final rule.

4. Under current practices, the patient must contact the prescriber to request a new prescription. DEA estimates that it takes five minutes for the patient to contact the prescriber. From Table 2, the estimated loaded hourly rate of the patient is \$31.20. Multiplying the loaded hourly rate of \$31.20 by 0.083 (5/60) hours results in a cost of \$2.60. Under the final rule, the patient no longer needs to contact the prescriber; the patient requests an electronic transfer of the prescription from the first (transferring) pharmacy to the second (receiving) pharmacy; thus, there is zero cost to the patient. Therefore, this activity under the final rule results in a

cost savings to the patient of \$2.60 per transfer.

5. Under current practices, the patient has to contact the prescriber asking for a new prescription. DEA estimates that it takes five minutes for the prescriber's medical secretary to receive the call from the patient. From Table 2, the estimated loaded hourly rate of a medical secretary is \$25.54. Multiplying the loaded hourly rate of \$25.54 by 0.083 (5/60) hours results in a cost of \$2.13. Under the final rule, the patient no longer needs to contact the prescriber; thus, this interaction will not occur. Therefore, this activity under the final rule results in a cost savings to the prescriber of \$2.13 per transfer.

6. Under current practices, after the medical secretary receives the call from the patient and the information is relayed to the prescriber, the prescriber issues a new prescription. DEA estimates the prescriber takes two minutes to cancel the first prescription and issue a new prescription. From Table 2, the estimated loaded hourly rate of a prescriber is \$140.64. Multiplying the loaded hourly rate of \$140.64 by 0.03 (2/60) hours results in a cost of \$4.69. Under the final rule, the prescriber does not need to issue a new prescription; the original prescription is simply transferred to the receiving pharmacy. Therefore, this activity under the final rule results in a cost savings to the prescriber of \$4.69 per transfer.

7. Under current practices, the second (receiving) pharmacy receives and fills the prescription. DEA estimates that it takes 15 minutes for the second (receiving) pharmacy to receive and fill the prescription. From Table 2, the estimated loaded hourly rate of a pharmacist is \$87.65. Multiplying the loaded hourly rate of \$87.65 by 0.25 (15/60) hours results in a cost of \$21.91. Under the final rule, DEA also estimates the receiving pharmacist still conducts this activity at the same loaded labor

⁴⁸ BLS, "Employer Costs for Employee Compensation—December 2021" (ECEC).

rate and time duration, resulting in a cost of \$21.91. However, under the final rule, the receiving pharmacist must also receive and record transfer information from the transferring pharmacy. DEA estimates that it takes three minutes for the receiving pharmacy to receive and record transfer information. From Table 2, the estimated loaded hourly rate of a pharmacist is \$87.65. Multiplying the loaded hourly rate of \$87.65 by 0.05 (3/60) hours results in a cost of \$4.38. Therefore, this activity under the final rule results in a cost to the receiving pharmacy of \$4.38 per transfer, but the receiving pharmacy would get the full

reimbursement for filling the prescription.

8. Under current practices, DEA assumes that the patient is informed that the first pharmacy is unable to fill the prescription prior to traveling to pick it up; thus, the patient only makes one trip to the second pharmacy where the prescription was transferred. DEA estimates that it takes 20 minutes for the patient to pick up the filled prescription. From Table 2, the estimated loaded hourly rate of a patient is \$31.20. Multiplying the loaded hourly rate of \$31.20 by 0.33 (20/60) hours results in a cost of \$10.40. Under the final rule, DEA also assumes that the

patient is informed that the first pharmacy is unable to fill the prescription prior to traveling to pick up the prescription; thus, the patient only makes one trip. Estimating 20 minutes for the patient to pick up the filled prescription, under the final rule, there is still a cost of \$10.40 to the patient. Therefore, there is no economic impact to the patient associated with this activity under the final rule.

As shown by Table 3, the final rule results in a total cost of \$8.76 and a total cost savings of \$10.88 per transfer. This results in an overall net cost savings of \$2.12 per transfer.

TABLE 3—COST/COST SAVINGS CALCULATION, CURRENT VS. FINAL RULE

Person/activity	Current		Final rule		Costs/(cost savings) (\$)
	Estimated time (minutes)	Cost, current (\$)	Estimated time (minutes)	Cost, final rule (\$)	
Transferring pharmacist:					
1. Contact patient	3	4.38	3	4.38	.....
2.a. Void/transfer prescription	1	1.46	.....	.....	(1.46)
2.b. Transfer prescription .....	.....	.....	3	4.38	4.38
Patient:					
3. Receive call from pharmacist	3	1.56	3	1.56	.....
4. Contact prescriber	5	2.60	.....	.....	(2.60)
5. Received filled prescription	20	10.40	20	10.40	.....
Prescriber:					
6. Receive call from patient (secretary)	5	2.13	.....	.....	(2.13)
7. Issue new prescription (prescriber)	2	4.69	.....	.....	(4.69)
Receiving pharmacist:					
8.a. Receive prescription and fill	15	21.91	15	21.91	.....
8.b. Receive and record transfer info .....	.....	.....	3	4.38	4.38
Total Costs .....	.....	.....	.....	.....	8.76
Total Cost Savings .....	.....	.....	.....	.....	(10.88)
Net Cost Savings .....	.....	.....	.....	.....	(2.12)

Estimated Number of Transfers

As mentioned earlier, in order to calculate the total cost savings, DEA applied the \$2.12 net cost savings per transaction, from above, to the estimated number of total transfers. DEA estimated the number of total transfers by estimating the number of EPCS for the analysis period, the first five years after the rule goes into effect, and applying an estimated percentage of EPCS that will be transferred.⁴⁹

Surescripts' National Progress Reports for 2019, 2020, and 2021 form the basis for estimating the number of EPCS for the five-year analysis period.⁵⁰ The reports indicate that the rate of electronic prescribing for non-controlled substances (E-RX) was 76, 83, 86, 89, and 97 percent in 2017, 2018, 2019, 2020, and 2021, respectively.⁵¹ Additionally, the reports indicate that the rate of EPCS is rising rapidly; the rate was 17, 26, 38, 58, and 73 percent in 2017, 2018, 2019, 2020, and 2021, respectively.⁵² Furthermore, there were

65, 96.8, 134.2, 203.6, and 256.9 million EPCS filled in 2017, 2018, 2019, 2020, and 2021, respectively.⁵³ Dividing the total EPCS by the rate of EPCS, DEA estimates the total controlled substances prescriptions, electronic and non-electronic, were 382.4, 372.3, 353.2, 351.0, and 351.9 million in 2017, 2018, 2019, 2020, and 2021, respectively. Table 4 summarizes the data provided by the reports and the estimated total prescriptions for controlled substances for years 2017–2021.

⁴⁹ Due to the rapidly evolving industry and regulatory conditions, the analysis period is five years.

⁵⁰ Surescripts, "2019 National Progress Report" for 2017 data, "2020 National Progress Report" for 2018–2020 data, and "2021 National Progress Report" for 2018–2021 data.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

TABLE 4—ESTIMATED TOTAL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES
[2017–2021]

	2017	2018	2019	2020	2021
<i>Non-Controlled Substances:</i>					
Rate of E–Rx (%)	76	83	86	89	97
<i>Controlled Substances:</i>					
Total Rx, E and non-E (millions of Rx)	382.4	372.3	353.2	351.0	351.9
Rate of EPCS (%)	17	26	38	58	73
Total EPCS (millions of Rx)	65.0	96.8	134.2	203.6	256.9

As shown in Table 4, the estimated total prescriptions for controlled substances decreased from 382.4 million in 2017 to 351.9 million in 2021. For the purposes of this analysis, DEA estimates the total number of controlled substances prescriptions will stay constant at 351.9 million per year for the five-year analysis period.

Also, from Table 4, the rate of electronic prescribing for non-controlled substances is higher than that of controlled substances. However, DEA estimates the rate of electronic prescribing for controlled substances will match that of non-controlled substances in year one due to a CMS December 2020 rule, which requires electronic prescribing for all controlled substances (with some exceptions) covered under Medicare Part D.⁵⁴ The 2021 rate of electronic prescriptions for non-controlled substances was 97 percent. While it is possible that this rate could continue to increase in the future, DEA has no basis to estimate how much higher the rate would go. As the rate of increase has been slowing over the past several years, DEA conservatively estimates that the rate of electronic prescribing for non-controlled substances has peaked at 97 percent and the rate of electronic prescribing for controlled substances will be 97 percent for the analysis period. Multiplying the estimated total number of controlled substance prescriptions, 351.9 million per year, by the estimated rate of EPCS of 97 percent, the estimated total EPCS is 341.3 million per year for the analysis period, the first five years after the rule goes into effect.

CMS estimates that as much as four percent of electronic prescriptions for non-controlled substances in 2019 were transfers.⁵⁵ Applying the four percent transfer rate to the total EPCS prescriptions, DEA estimates the number of transfers is 13.7 million per year for each of the first five years.

Total Cost Savings

In order to calculate the total cost savings, DEA applied the \$2.12 net cost savings per transaction to the estimated 13.7 million transfers, resulting in a total annual net cost savings of \$29.0 million over the five-year analysis period. The net present value (NPV) of the cost savings is \$132.8 million at three percent discount rate and \$118.9 million at seven percent discount rate. The annualized cost savings from year one to year five is \$29.0 million at three percent and seven percent. Table 5 summarizes the NPV and annualized cost savings calculation.

TABLE 5—NPV AND ANNUALIZED COST SAVINGS

	3 Percent	7 Percent
NPV of Cost Savings	\$132.8	\$118.9
Annualized Cost Savings	29.0	29.0

Executive Order 12988, Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This final rule does not have federalism implications warranting the application of E.O. 13132. The final rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship

between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA), DEA evaluated the impact of this rule on small entities. DEA's evaluation of economic impact by size category indicates that the rule will not have a significant economic impact on a substantial number of these small entities.

The RFA requires an agency to analyze options for regulatory relief of small entities unless it can certify that the rule will not have a significant impact on a substantial number of small entities. DEA has analyzed the economic impact of each provision of this final rule and estimates that it will have minimal economic impact on affected entities, including small businesses, nonprofit organizations, and small governmental jurisdictions.

DEA is amending its regulations to allow the transfer of electronic prescriptions for schedules II–V controlled substances between registered retail pharmacies for initial dispensing, upon request from the patient, on a one-time basis only. This amendment specifies the procedure that must be followed and the information that must be documented when transferring EPCS between DEA-registered retail pharmacies.

The final rule specifies that: the transfer must be communicated directly between two licensed pharmacists; the prescription must be transferred in its electronic form and may not be converted to another form (e.g., facsimile) for transmission; the required prescription information must be unaltered during the transmission; and the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law. In addition to the above, the pharmacist transferring the prescription must update the electronic prescription record to note that the prescription was transferred. The transferring pharmacist must also record

⁵⁴ 85 FR 84472 (Dec. 28, 2020).

⁵⁵ Conference call between CMS and DEA, January 2021. CMS's estimate is a "high" estimate and "four percent" is considered the maximum percent of electronic prescriptions that are transfers.

the name, address, and DEA registration number of the pharmacy to which the prescription was transferred, the name of the pharmacist receiving the transfer, the name of the transferring pharmacist, and the date of the transfer. Similarly, the pharmacist receiving the transferred prescription must record the transferring pharmacy's name, address, and DEA registration number, the name of the transferring pharmacist, the date of the transfer, and the name of the

pharmacist receiving the transfer. Finally, the final rule requires that the electronic records documenting the transfer be maintained for a period of two years from the date of the transfer by both the pharmacy transferring the electronic prescription and the pharmacy receiving the prescription.

DEA anticipates this final rule will affect pharmacies, offices of physicians, and hospitals, as the majority of prescribers are employed by offices of

physicians or hospitals. Table 6 indicates the sectors, as defined by the North American Industry Classification System (NAICS), affected by this final rule. There may be other small entities under Small Business Administration size standards in other NAICS code industries affected by this final rule. However, DEA believes the list in Table 6 is a good general representation of affected small entities and their industries as defined by NAICS.

TABLE 6—AFFECTED INDUSTRIAL SECTORS

Business activity	NAICS code	NAICS Code description
Pharmacy	446110	Pharmacies and Drug Stores.
Prescriber	621111	Offices of Physicians (except Mental Health Specialists).
	622110	General Medical and Surgical Hospitals.

CMS estimates that as much as four percent of electronic prescriptions for non-controlled substances in 2019 were transfers.⁵⁶ DEA assumes, for the purposes of this analysis, that such transfers of EPCS are distributed proportionally across all prescribers and pharmacies. Therefore, DEA estimates a substantial number of small entities in the affected industries will be affected by this final rule.

In order to determine whether the final rule will result in a significant impact on the affected small entities, the following steps were taken:

1. Estimate the cost or cost savings per transfer.
2. Estimate the total cost or cost savings of transfers.
3. Allocate the total cost or cost savings across all affected entities in proportion to their revenue to estimate the cost or cost savings per entity.
4. Compare the cost or cost savings to the annual revenue for the smallest of small entities. If the impact is not significant for the smallest of small entities, then the impact is not significant for the larger small entities.

Table 3 summarizes the cost or cost savings on a per-transfer basis. The net cost to the transferring pharmacy is \$2.92 (the cost of transferring the

prescription, \$4.38 (2.b.), minus the cost of updating the prescription record to note that the prescription was not filled, \$1.46 (2.a.)). The cost to the receiving pharmacy is \$4.38 (8.b.) per transfer. Each transfer affects two different pharmacies, the transferring and receiving pharmacies. Since pharmacies are likely to transfer and receive, an average was taken to determine the typical cost per transfer for a pharmacy. The average cost is \$3.65 ((\$2.92 + \$4.38)/2) per transfer. Also, from Table 3, the total cost savings to a prescriber (office of physician or hospital) is \$6.82, the sum of the cost savings from not receiving a call from the patient \$2.13 (6.) and the cost savings from not issuing a new prescription \$4.69 (7.).

To calculate the total cost to pharmacies and total cost savings to prescribers, the unit cost and cost savings are multiplied by the estimated total annual transfers. From above, the estimated number of transfers is 13.7 million per year. Multiplying the average net cost of \$3.65 per transfer for pharmacies by 13.7 million transfers, the estimated total cost of transfers to all pharmacies is \$50,005,000 per year. Multiplying the cost saving of \$6.82 per transfer for prescribers (office of physician or hospital) by 13.7 million

transfers, the estimated total cost saving to all prescribers is \$93,434,000 per year.

The U.S. Census Bureau's Statistics of U.S. Businesses (SUSB) is an annual series that provides national and subnational data on the distribution of economic data by enterprise size and industry. SUSB data includes the number of firms at various size ranges. For the purposes of this analysis, the term "firm" as defined in the SUSB is used interchangeably with "entity" as defined in the RFA. Based on SUSB data, there are 19,234, 161,286, and 2,560 firms in 446110—Pharmacies and Drugs Stores, 621111—Offices of Physicians (except Mental Health Specialists), and 622110—General Medical and Surgical Hospitals industry sectors, respectively.⁵⁷ Furthermore, the total receipts for all firms, including all size ranges, are \$282 billion, \$474 billion, and \$997 billion (rounded) for 446110—Pharmacies and Drugs Stores, 621111—Offices of Physicians (except Mental Health Specialists), and 622110—General Medical and Surgical Hospitals industry sectors, respectively.⁵⁸ Table 7 summarizes the SUSB data and provides receipt values without rounding.

TABLE 7—NUMBER OF FIRMS AND TOTAL RECEIPTS

NAICS Code	NAICS Code description	Receipt size (\$)	Number of firms	Receipts (\$000)
446110	Pharmacies and Drug Stores	All size ranges ...	19,234	281,653,229
621111	Offices of Physicians (except Mental Health Specialists)	All size ranges ...	161,286	473,954,346
622110	General Medical and Surgical Hospitals	All size ranges ...	2,560	997,368,727

⁵⁶ Conference call between CMS and DEA, January 2021. CMS's estimate is a "high" estimate and "four percent" is considered the maximum percent of electronic prescriptions that are transfers.

⁵⁷ SUSB, 2017 SUSB Annual Data Tables by Establishment Industry, Data by Enterprise Receipt Size, U.S., 6-digit NAICS, <https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html> (<https://www2.census.gov/programs-surveys/susb/>

[tables/2017/us_6digitnaics_rcptsize_2017.xlsx](https://www2.census.gov/programs-surveys/susb/tables/2017/us_6digitnaics_rcptsize_2017.xlsx)). (Accessed June 8, 2022.) 2017 data by enterprise receipt size is the latest available.

⁵⁸ Ibid.

SUSB data also includes the number of firms and receipts for various receipt-size ranges. The smallest size range is firms with annual revenue less than \$100,000. The average receipt per firm was calculated based on the number of firms and for the receipts for the firms in the size range. For example, in the 446110—Pharmacies and Drug Stores

industry sector, there are 666 firms with receipts under \$100,000, and their combined receipts is \$34,342,000. Dividing \$34,342,000 by 666 results in an average receipt of \$51,565 per firm. Performing the same calculation for all three industries, the average receipt per firm is \$51,565, \$50,554, and \$259,478 for the smallest size category in

446110—Pharmacies and Drug Stores, 621111—Offices of Physicians (except Mental Health Specialists), and 622110—General Medical and Surgical Hospitals industry sectors, respectively. Table 8 summarizes the calculation for the average receipt per firm.

TABLE 8—AVERAGE RECEIPT PER FIRM

NAICS Code	NAICS Code description	Receipt size (\$)	Number of firms	Receipts (\$000)	Average receipt per firm (\$)
446110	Pharmacies and Drug Stores	<100,000	666	34,342	51,565
621111	Offices of Physicians (except Mental Health Specialists)	<100,000	14,302	723,029	50,554
622110	General Medical and Surgical Hospitals	100,000–* 499,999	23	5,968	259,478

* “Receipts” not available for the smallest size range of “<100,000; therefore, used next size range of “100,000–499,000” for comparison.

To compare the average cost per firm with the average receipt per firm, DEA allocated the cost and cost savings proportionally by revenue, divided by the number of firms to calculate the average cost per firm, and compared the average cost per firm as a percent of receipt per firm. For example, the receipts for the 666 firms with receipts under \$100,000 in 446110—Pharmacies and Drug Stores industry sector is \$34,342,000. This is 0.0121930 percent of total receipt of \$281,653,229,000 for all size ranges. Allocating 0.0121930 percent of total cost to pharmacies of \$50,005,000 to the 666 firms, the

average cost per firm is \$9.⁵⁹ Dividing the average cost per firm of \$9 by the average receipt per firm of \$51,565, the average cost per firm is 0.01745 percent of average receipt per firm.

This calculation is repeated for 621111—Offices of Physicians (except Mental Health Specialists) and 622110—General Medical and Surgical Hospitals industry sectors. However, the economic impact for 621111—Offices of Physicians (except Mental Health Specialists) and 622110—General Medical and Surgical Hospitals industry sectors is a cost savings, rather than a cost. Although employment of

prescribers is expected to be split between these two industries, to be conservative, the total cost savings (rather than estimating a split between the two industries) is compared to the average receipt per firm. In summary, the average cost or cost savings per firm as percent of receipt is 0.01745 percent, 0.01978 percent, and 0.00925 percent for 446110—Pharmacies and Drug Stores, 621111—Offices of Physicians (except Mental Health Specialists), and 622110—General Medical and Surgical Hospitals industry sectors, respectively. Table 9 summarizes the calculation and results.

TABLE 9—COST OR COST SAVINGS PER FIRM AS PERCENTAGE OF RECEIPTS

NAICS Code	NAICS Code description	Receipt size (\$)	Number of firms	Receipt as percent of total (percent)	Allocated cost to firms in size range (\$)	Average cost per firm (\$)	Average cost/ cost savings per firm as percent of receipt (percent)
446110	Pharmacies and Drug Stores	<100,000	666	0.012193	6,097	9	0.01745
621111	Offices of Physicians (except Mental Health Specialists)	<100,000	14,302	0.152552	142,536	10	*(0.01978)
622110	General Medical and Surgical Hospitals	100,000–499,999	23	0.000598	559	24	*(0.00925)

* Cost savings.

In conclusion, the average cost or cost savings per firm as percent of receipt of 0.01745 percent, 0.01978 percent, and 0.00925 percent are not significant economic impacts. Therefore, DEA concludes this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this final

rule will not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

Pursuant to section 3507(d) of the Paperwork Reduction Act of 1995 (PRA), DEA has identified the following

collection of information related to this rule and has submitted this collection request to the Office of Management and Budget (OMB) for review and approval.⁶⁰ This final rule establishes the recordkeeping requirements for pharmacies electronically transferring of schedules II–V EPCS for initial dispensing. A person is not required to respond to a collection of information unless it displays a valid OMB control number. Copies of existing information collections approved by OMB may be

⁵⁹ (\$50,005,000 x 0.0121930 percent)/666 = \$9.

⁶⁰ 44 U.S.C. 3501 *et seq.*

obtained at <https://www.reginfo.gov/public/do/PRAMain>.

A. Collections of Information Associated With the Rule

Title: Recordkeeping Requirements for the electronic transfer of electronic prescriptions for schedules II–V controlled substances between pharmacies for initial filling.

OMB Control Number: 1117–0061.

DEA Form Number: N/A.

DEA is creating a new collection of information by requiring pharmacies to create and maintain certain records relating to the transfer of unfilled EPCS between pharmacies for initial filling. The rule requires the transferring pharmacy to note in the electronic prescription record that the prescription was transferred. The transferring pharmacy is also required to add to the prescription record the name, address, and DEA registration number of the pharmacy to which the prescription was transferred, as well as the name of the pharmacist receiving the transfer, the name of the transferring pharmacist, and the date of the transfer. Similarly, the rule requires the pharmacy receiving the transfer to record the name, address, and DEA registration number of the transferring pharmacy, the name of the transferring pharmacist, the name of the pharmacist receiving the transfer, and the date of the transfer. In addition, the rule required the records to be maintained by both pharmacies for at least two years from the date of the transfer. DEA estimates the following number of respondents and burden associated with this collection of information:

- *Number of respondents:* 70,567.
- *Frequency of response:* 354.273244 (calculated average).
- *Number of responses:* 25,000,000.
- *Burden per response:* 0.05 hour.
- *Total annual hour burden:* 1,250,000.

The activities described in this information collection are usual and ordinary business activities and no additional cost is anticipated.

If you need additional information, please contact the Regulatory Drafting and Policy Support Section (DPW), Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 776–2265.

Any additional comments on this collection of information may be sent in writing to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comments

refer to RIN 1117–AB64/Docket No. DEA–637.

Congressional Review Act

This final rule is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, pursuant to the CRA, DEA is submitting a copy of this final rule to both Houses of Congress and to the Comptroller General.

Signing Authority

This document of the Drug Enforcement Administration was signed on July 20, 2023, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

List of Subjects 21 CFR Part 1306

Drug traffic control, Prescription drugs.

For the reasons stated in the preamble, DEA amends 21 CFR part 1306 as follows:

PART 1306—PRESCRIPTIONS

- 1. The authority citation for part 1306 continues to read as follows:

Authority: 21 U.S.C. 821, 823, 829, 829a, 831, 871(b) unless otherwise noted.

- 2. Amend § 1306.08 by adding paragraphs (e) through (i) to read as follows:

§ 1306.08 Electronic prescriptions.

* * * * *

(e) The transfer for initial dispensing of an electronic prescription for a controlled substance in Schedule II–V is permissible between retail pharmacies, upon request from the patient, on a one-time basis only. If the transferred prescription is for a controlled substance in Schedule III, IV, or V and includes authorized refills, the refills are transferred with the initial prescription to the pharmacy receiving the transfer.

(f) The transfer of an electronic prescription for a controlled substance in Schedule II–V between retail pharmacies for the purpose of initial dispensing is subject to the following requirements:

(1) The prescription must be transferred from one retail pharmacy to another retail pharmacy in its electronic form. At no time may an intermediary convert an electronic prescription to another form (e.g., facsimile) for transmission.

(2) The contents of the prescription required by this part must not be altered during transfer between retail pharmacies. Any change to the content during transfer, including truncation or removal of data, will render the electronic prescription invalid.

(3) The transfer must be communicated directly between two licensed pharmacists.

(4) The transferring pharmacist must add the following to the electronic prescription record:

(i) Information that the prescription has been transferred.

(ii) The name, address, and DEA registration number of the pharmacy to which the prescription was transferred and the name of the pharmacist receiving the prescription information.

(iii) The date of the transfer and the name of the pharmacist transferring the prescription information.

(5) The receiving pharmacist must do the following:

(i) Add the word “transfer” to the electronic prescription record at the receiving pharmacy.

(ii) Annotate the prescription record with the name, address, and DEA registration number of the pharmacy from which the prescription was transferred and the name of the pharmacist who transferred the prescription.

(iii) Record the date of the transfer and the name of the pharmacist receiving the prescription information.

(6) In lieu of manual data entry, the transferring or receiving pharmacy’s prescription processing software may, if capable, capture the information required, as outlined in this paragraph (f), from the electronic prescription and automatically populate the corresponding data fields to document the transfer of an electronic controlled substance prescription between pharmacies. The transferring or receiving pharmacist, as applicable, must ensure that the populated information is complete and accurate.

(g) The transfer of an electronic prescription for a controlled substance in Schedule II–V for the purpose of initial dispensing is permissible only if allowable under existing State or other applicable law.

(h) The electronic records documenting the transfer of the electronic prescription must be maintained for a period of two years

from the date of the transfer by both the pharmacy transferring the electronic prescription and the pharmacy receiving the electronic prescription.

(i) A pharmacy may transfer electronic prescription information for a controlled substance in Schedule III, IV, and V to another pharmacy for the purpose of refill dispensing pursuant to § 1306.25.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2023–15847 Filed 7–26–23; 8:45 am]

BILLING CODE 4410–09–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 222 and 235

[Docket No. 2023–4]

Copyright Claims Board: Agreement-Based Counterclaims

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: Pursuant to the Copyright Alternative in Small-Claims Enforcement Act, the U.S. Copyright Office is adopting as final a May 3, 2023, proposed rule governing the filing of agreement-based counterclaims and related discovery requirements in Copyright Claims Board proceedings.

DATES: Effective August 28, 2023.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at meft@copyright.gov or telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: The Copyright Alternative in Small-Claims Enforcement Act of 2020 (the “CASE Act”) ¹ directed the Copyright Office to establish the Copyright Claims Board (the “CCB”), an alternative and voluntary forum for parties seeking to resolve certain copyright-related disputes that have a total monetary value of \$30,000 or less. After receiving and considering comments from the public, the Office published final rules addressing various aspects of CCB proceedings. ² On June 16, 2022, the CCB began receiving claims.

On May 3, 2023, the Office published a notice of proposed rulemaking (“NPRM”) seeking public comment on a proposed rule addressing the filing of agreement-based counterclaims and related discovery requirements in the CCB. ³ The proposed regulations set out the requirements for the content of such counterclaims and any responses to them. ⁴ The Office also proposed standard interrogatories and standard requests for the production of documents for use in connection with such counterclaims. ⁵

The Office received one comment that addressed the proposed rulemaking, but did not recommend any changes to the proposed regulatory text. ⁶ The Copyright Alliance’s comment stated that “[a]t this time, we have no substantive objections to the Office’s proposal to add regulations specifically governing agreement-based counterclaims,” ⁷ but requested “the opportunity to comment further on the rules established in this notice of proposed rulemaking as well as the other regulations governing the CCB once there is more qualitative and quantitative data to consider.” ⁸ The Copyright Alliance “reiterate[d] the importance of ensuring that the rules and regulations do not become so cumbersome and complex such that they make the CCB inaccessible to pro se litigants, who comprise a significant portion of the system’s users, and whom the statute was designed to accommodate.” ⁹

The Office appreciates these comments and will take them under advisement. Because the Office did not receive any comments recommending changes to the proposed rule, it adopts the rule as final.

List of Subjects in 37 CFR Parts 222, 225

Claims, Copyright.

Final Regulations

For the reasons stated in the preamble, the U.S. Copyright Office

2022) (active proceedings final rule); 87 FR 36060 (June 15, 2022) (active proceedings correction). The Office sought public comments prior to the adoption of these final rules. *See, e.g.*, 86 FR 74394 (Dec. 30, 2021); 86 FR 53897 (Sept. 29, 2021); 86 FR 69890 (Dec. 8, 2021).

³ 88 FR 27845 (May 3, 2023).

⁴ 88 FR 27845, 27846–47.

⁵ 88 FR 27845, 27846–48.

⁶ *See* Copyright Alliance Comments. The Office received a second comment, which addressed songwriter-related royalty claims that are outside of the scope of this rulemaking. *See* Timothy Gilmore Comments at 1.

⁷ Copyright Alliance Comments at 1.

⁸ Copyright Alliance Comments at 1–2.

⁹ Copyright Alliance Comments at 2.

amends 37 CFR parts 222 and 225 as follows:

PART 222—PROCEEDINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 17 U.S.C. 702, 1510.

■ 2. Amend § 222.9 as follows:

■ a. Redesignate paragraphs (c)(6) through (8) as paragraphs (c)(7) through (9), respectively.

■ b. Add paragraph (c)(6) as follows:

§ 222.9 Counterclaim.

* * * * *

(c) * * *

(6) For a counterclaim arising under an agreement asserted under paragraph (c)(2)(iv) of this section—

(i) A description of the agreement that the counterclaim is based upon;

(ii) A brief statement describing how the agreement pertains to the same transaction or occurrence that is the subject of the infringement claim against the counterclaimant; and

(iii) A brief statement describing how the agreement could affect the relief awarded to the claimant;

* * * * *

■ 3. Amend § 222.10 as follows:

■ a. Redesignate paragraph (b)(6) as paragraph (b)(7).

■ b. Add paragraph (b)(6) as follows:

§ 222.10 Response to counterclaim.

* * * * *

(b) * * *

(6) For counterclaims arising under an agreement, as set forth in 37 CFR 222.9(c)(2)(iv), a statement describing in detail the dispute regarding the contractual counterclaim, including any defenses as well as an explanation of why the counterclaim respondent believes the counterclaimant’s position regarding the agreement lacks merit; and

* * * * *

PART 225—DISCOVERY

■ 4. The authority citation for part 225 continues to read as follows:

Authority: 17 U.S.C. 702, 1510.

■ 5. Amend § 225.2 as follows:

■ a. Redesignate paragraph (f) as paragraph (h).

■ b. Add paragraphs (f) and (g) as follows:

§ 225.2 Standard interrogatories.

* * * * *

(f) *For a counterclaimant asserting a counterclaim arising under an agreement.* In addition to the information in paragraph (a) of this section, the *standard interrogatories* for

¹ Public Law 116–260, sec. 212, 134 Stat. 1182, 2176 (2020).

² 87 FR 20707 (Apr. 8, 2022) (law student representation final rule); 87 FR 12861 (Mar. 8, 2022) (initial proceedings partial final rule); 87 FR 16989 (Mar. 25, 2022) (initial proceedings final rule); 87 FR 24056 (Apr. 22, 2022) (initial proceedings correction); 87 FR 30060 (May 17,

a counterclaimant asserting a counterclaim arising under an agreement shall consist of information pertaining to:

(1) Identification and a description of the specific terms or provisions of the agreement the counterclaim respondent is alleged to have violated;

(2) The basis for the counterclaimant's belief that the agreement was valid;

(3) The basis for the counterclaimant's belief that the agreement was violated;

(4) The basis for the counterclaimant's belief that the agreement could affect the relief that might be awarded to the claimant;

(5) A description of the counterclaimant's performance under the agreement, as relevant to the counterclaim;

(6) Identification and a description of any inadequacies in performance under the agreement by the counterclaim respondent; and

(7) If the agreement at issue in the counterclaim is oral, a description of the terms and provisions of the agreement.

(g) *For a counterclaim respondent responding to a counterclaim arising under an agreement.* In addition to the information in paragraph (a) of this section, the *standard interrogatories* for a counterclaim respondent responding to a counterclaim arising under an agreement shall consist of information pertaining to:

(1) All defenses asserted to the counterclaim arising under an agreement and the basis for those assertions. Defenses listed in timely answers and timely updated answers to the *standard interrogatories* shall be considered by the Board and will not require an amendment of the counterclaim response;

(2) The basis for any other reasons the counterclaim respondent believes that it did not violate the agreement or that the agreement was not valid;

(3) The basis for any belief by the counterclaim respondent that the agreement does not affect the relief that might be awarded to the claimant;

(4) A description of the counterclaim respondent's performance under the agreement, as relevant to the counterclaim; and

(5) Identification and a description of any inadequacies in performance under the agreement by the counterclaimant.

* * * * *

■ 6. Amend § 225.3 as follows:

■ a. Redesignate paragraphs (f) and (g) as paragraph (h) and (i), respectively.

■ b. Add paragraphs (f) and (g), as follows:

§ 225.3 Standard requests for the production of documents.

* * * * *

(f) *For a counterclaimant asserting a counterclaim arising under an agreement.* In addition to the information in paragraph (a) of this section, the *standard requests for the production of documents* for a party asserting a counterclaim arising under an agreement shall include copies of:

(1) The agreement at issue in the counterclaim arising under an agreement, including any amendments or revisions;

(2) Documents related to the agreement at issue, including any amendments or revisions and documents related to the validity of and the parties' performance under the agreement; and

(3) Documents relevant to damages arising out of the counterclaim, including documents sufficient to show the damages suffered by the counterclaimant related to violation of the agreement in question.

(g) *For a counterclaim respondent responding to a counterclaim arising under an agreement.* In addition to the information in paragraph (a) of this section, the *standard requests for the production of documents* for a counterclaim respondent responding to a counterclaim arising under an agreement shall include copies of:

(1) The agreement at issue in the counterclaim arising under an agreement, including any amendments or revisions;

(2) Documents related to the agreement at issue, including any amendments or revisions and documents related to the validity of and the parties' performance under the agreement; and

(3) Documents relevant to damages, including documents sufficient to show the lack of damages suffered by the counterclaimant related to the counterclaim respondent's alleged violation of the agreement in question.

* * * * *

Dated: July 19, 2023.

Shira Perlmutter,

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2023-15940 Filed 7-26-23; 8:45 am]

BILLING CODE 1410-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2022-0656; FRL-10083-02-R3]

Air Plan Approval; West Virginia; 2022 Amendments to West Virginia's Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of West Virginia. The revision updates West Virginia's incorporation by reference (IBR) of EPA's national ambient air quality standards (NAAQS) and the associated monitoring reference and equivalent methods. EPA is approving these revisions to the West Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on August 28, 2023.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2022-0656. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through www.regulations.gov, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Om P. Devkota, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2172. Mr. Devkota can also be reached via electronic mail at devkota.om@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 2023 (88 FR 29616), EPA published a notice of proposed rulemaking (NPRM) for the State of West Virginia. In the NPRM, EPA proposed approval of a formal SIP

revision submitted on July 1, 2022. The formal SIP revision updates West Virginia's IBR of the NAAQS promulgated by EPA and found at 40 Code of Federal Regulations (CFR) part 50 and ambient air monitoring reference methods and equivalent methods promulgated by EPA found at 40 CFR part 53 into West Virginia's legislative rules.

II. Summary of SIP Revision and EPA Analysis

West Virginia Department of Environmental Protection (WVDEP) has historically chosen to incorporate by reference the NAAQS, found at 40 CFR part 50, and the associated Federal ambient air monitoring reference methods and equivalent methods for these NAAQS found at 40 CFR part 53. When incorporating by reference these Federal regulations, WVDEP has specified that it is incorporating by reference these regulations as they existed on a certain date. The IBR of the NAAQS that is currently approved in the West Virginia SIP incorporates by reference 40 CFR parts 50 and 53 as they existed on June 1, 2020. West Virginia's July 1, 2022 SIP revision updates the State's IBR of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods, found in 40 CFR parts 50 and 53, respectively, as of June 1, 2021.

Since the last West Virginia IBR of June 1, 2020, EPA: (1) updated method 201A of Appendix M of Part 51; (2) completed the review of the NAAQS for particulate matter; (3) completed the review of the NAAQS for ozone; and (4) designated one new reference method for measuring concentrations of sulfur dioxide and one new equivalent method for measuring concentrations of particulate matter (PM₁₀) in ambient air. See 85 FR 63394 (October 7, 2020—corrected in 86 FR 9470 (February 16, 2021)), 85 FR 82684 (December 18, 2020), 85 FR 87256 (December 31, 2020), and 86 FR 12682 (March 4, 2021).

The amendments to the legislative rule include changes to sections 45–8–1 (General) and 45–8–3 (Adoption of Standards). The amendments alphabetize the criteria pollutants list in the scope (1.1), update the filing and effective dates (1.3, 1.4) and update West Virginia's IBR of the primary and secondary NAAQS and the ambient air monitoring reference and equivalent methods from June 1, 2020, to June 1, 2021 (1.6, 3.1, 3.2). West Virginia is incorporating the Federal rules in 40 CFR parts 50 and 53 as they existed on June 1, 2021, into sections 45–8–1 and 45–8–3.

III. EPA's Response to Comments Received

EPA received one comment in response to the NPRM, which is available in the docket for this action. The comment was outside of the scope of this rulemaking. As such, the comment does not require a response by EPA.

IV. Final Action

EPA is approving the West Virginia SIP revision of July 1, 2022, updating the IBR of EPA's NAAQS and associated ambient air monitoring reference methods and equivalent methods.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of 45CSR8, as effective April 1, 2022, as discussed in section II. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of 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

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, this 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).

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. 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

¹ 62 FR 27968 (May 22, 1997).

commercial operations or programs and policies.”

The WVDEP 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. 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.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 25, 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, approving the West Virginia SIP revision updating its incorporation by reference of EPA’s NAAQS and associated ambient air monitoring reference methods and equivalent methods, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (c) entitled “EPA-Approved Regulations in the West Virginia SIP” is amended by revising the entries for “Section 45–8–1”, “Section 45–8–2”, “Section 45–8–3”, and “Section 45–8–4” under the heading “[45 CSR] Series 8 Ambient Air Quality Standards” to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.2565
*	*	*	*	*
[45 CSR] Series 8 Ambient Air Quality Standards				
Section 45–8–1	General	4/1/22	7/27/23 [INSERT FEDERAL REGISTER CITATION]	Docket #2022–0656.
Section 45–8–2	Definitions	4/1/22	7/27/23 [INSERT FEDERAL REGISTER CITATION]	Docket #2022–0656.
Section 45–8–3	Adoption of Standards	4/1/22	7/27/23, [INSERT FEDERAL REGISTER CITATION]	Docket #2022–0656.
Section 45–8–4	Inconsistency Between Rules	4/1/22	7/27/23, [INSERT FEDERAL REGISTER CITATION]	Docket #2022–0656.
*	*	*	*	*

* * * * *

[FR Doc. 2023–15810 Filed 7–26–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0361; FRL–11130–01–OCSPP]

Sodium Salt of Acifluorfen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of sodium salt of acifluorfen in or on berry, low growing, subgroup 13–07G; soybean, vegetable, edible podded; and soybean, vegetable, succulent shelled. The Interregional Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 27, 2023. Objections and requests for hearings must be received on or before September 25, 2023, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2022–0361, is available online at <https://www.regulations.gov> or in-person at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services,

docket access, visit <https://www.epa.gov/>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDfRNotices@epa.gov.
SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2022-0361 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 25, 2023. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information

(CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2022-0361, by one of the following methods:

• **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

• **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 20, 2022 (87 FR 30855) (FRL-9410-13-OCSP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petition (2E8987) by the Interregional Research Project No. 4 (IR-4), Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requested that 40 CFR 180.383 be amended to establish tolerances for residues of the herbicide sodium salt of acifluorfen, sodium 5-[2-chloro-4-(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites (the corresponding acid, methyl ester, and amino analogues) in or on the following raw agricultural commodities: berry, low growing, subgroup 13-07G at 0.1 ppm; soybean, vegetable, edible podded at 0.09 ppm; and soybean, vegetable, succulent shelled at 0.09 ppm. The petition also requested that EPA remove the established tolerance for residues of sodium salt of acifluorfen in or on strawberry at 0.05 ppm. That document referenced a summary of the petition prepared by IR-4, the petitioner, which is available in the docket, <https://www.regulations.gov>. There were no comments received on the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for sodium salt of acifluorfen including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with sodium salt of acifluorfen follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The toxicology database for sodium salt of acifluorfen is complete and considered adequate for risk assessment. EPA has waived the subchronic inhalation study, subchronic neurotoxicity studies, and the developmental neurotoxicity study. Hematological effects (such as decreases in erythrocyte count, hematocrit, and/or mean cell volume) were noted in dog, rat, and mice. The liver (dog, rat, and mouse) and kidney (rat and mouse) are also target organs of oral exposure, and effects in these organs were noted following both subchronic and chronic exposures. Indications of liver toxicity

included findings such as increased liver weight, hypertrophy, clinical chemistry findings, urinary urobilinogen, focal necrosis; proliferation of oval or bile duct cells, and fatty infiltration. Indications of kidney toxicity include increases in the following parameters: kidney weight; serum electrolytes, blood urea nitrogen (BUN), and creatinine; and urinary nitrate. There was quantitative fetal susceptibility demonstrated in the Sprague-Dawley rat developmental study, but no susceptibility in the Wistar rat or rabbit developmental studies, nor in the reproduction study. There are no genotoxicity, neurotoxicity or immunotoxicity concerns observed in the available toxicity studies. In the dermal toxicity test, skin irritation was observed at all doses, and systemic toxicity was noted at the limit dose.

EPA has classified sodium salt of acifluorfen as “likely to be carcinogenic to humans at high enough doses to cause the biochemical and histopathological changes in livers of rodents, but unlikely to be carcinogenic at doses below those causing these changes”. EPA determined that non-linear extrapolation is appropriate for risk assessment purposes. The non-linear reference dose (RfD) approach will be protective for chronic effects, including carcinogenicity.

Sodium salt of acifluorfen has low acute toxicity by the oral and dermal exposure routes (Toxicity Category III). However, it is a severe eye irritant (Toxicity Category I) and moderate dermal irritant (Toxicity Category II). It is not considered a skin sensitizer.

Specific information on the studies received and the nature of the adverse effects caused by sodium salt of acifluorfen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at <https://www.regulations.gov> in document titled “Sodium Acifluorfen. Human Health Risk Assessment of Proposed Tolerances and Uses on Edamame (Vegetable Soybean) and Crop Group Expansion and Use on Low-growing Berry Subgroup 13–07G” (hereinafter “Sodium Acifluorfen Human Health Risk Assessment”) on pages 24–32 in docket ID number EPA–HQ–OPP–2022–0361.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide’s toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards

that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

A summary of the toxicological endpoints for sodium salt of acifluorfen used for human risk assessment can be found in the Sodium Acifluorfen Human Health Risk Assessment on pages 12–15.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to sodium salt of acifluorfen, EPA considered exposure under the petitioned-for tolerances as well as all existing sodium salt of acifluorfen tolerances in 40 CFR 180.383. EPA assessed dietary exposures from sodium salt of acifluorfen in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for sodium salt of acifluorfen.

In estimating the acute dietary exposure, EPA used the Dietary Exposure Evaluation Model software using the Food Commodity Intake Database (DEEM–FCID) Version 4.02, which uses the 2005–2010 food consumption data from the United States Department of Agriculture’s (USDA’s) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). The acute dietary exposure assessment assumes tolerance-level residues and 100% crop

treated (PCT) for all commodities and incorporates default processing factors.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the 2005–2010 food consumption data from the USDA’s NHANES/WWEIA and DEEM–FCID; version 4.02. The chronic dietary exposure assessment assumes tolerance-level residues and 100 PCT for all commodities and incorporates default processing factors.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that sodium salt of acifluorfen should be classified as “Likely to be Carcinogenic to Humans at high enough doses to cause the biochemical and histopathological changes in livers of rodents, but unlikely to be carcinogenic at doses below those causing these changes.” The non-linear RfD approach will be protective for chronic effects, including carcinogenicity. Cancer risk was quantified using the same estimates as discussed in Unit III.C.1.ii., *chronic exposure*.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for sodium salt of acifluorfen. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for sodium salt of acifluorfen in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of sodium salt of acifluorfen. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <https://www.epa.gov/science-and-assessing-pesticide-risks/pesticide-risk-assessment>.

Based on the groundwater modeling results from Pesticide Root Zone Model

for Ground Water (PRZM-GW), the estimated drinking water concentrations (EDWCs) of sodium salt of acifluorfen for acute and chronic exposures are estimated to be 146 parts per billion (ppb) for ground water. These modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Sodium salt of acifluorfen is not registered for any specific use patterns that would result in residential exposure, and the new uses would not result in residential exposures; therefore, direct exposures in residential settings are not expected for adults and children.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/operating-procedures-residential-pesticide>.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to sodium salt of acifluorfen and any other substances, and sodium salt of acifluorfen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that sodium salt of acifluorfen has a common mechanism of toxicity with other substances.

For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of

safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines, based on reliable data, that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is evidence of increased susceptibility following *in utero* exposure to sodium salt of acifluorfen in the Sprague Dawley rat developmental toxicity study. However, there is low concern for developmental toxicity because the effects are well characterized with clear NOAEL/LOAEL values and the chosen points of departure for risk assessment for each scenario are protective of these effects.

3. *Conclusion.* EPA has determined that reliable data show that the safety of infants and children would be adequately protected if the FQPA SF were reduced from 10X to 1X. That decision is based on the following findings:

i. The toxicity database for sodium salt of acifluorfen is complete.

ii. The weight of evidence (WOE) suggests that sodium salt of acifluorfen is not neurotoxic. This conclusion is based on the following: (1) indications of treatment-related toxicity in the acute neurotoxicity study (ACN) are well-characterized, and the decreased motor activity observed could be an indication of systemic toxicity from the bolus dose; (2) the slight effect observed in fetuses in a developmental toxicity study with Sprague-Dawley rats (dilated brain ventricles) were not reproduced in another developmental toxicity study with Wistar rats nor in developmental toxicity studies with rabbits; and (3) there was no indication of treatment-related neurotoxicity observed in any studies for structurally-related chemicals (fomesafen, lactofen, and oxyfluorfen), except for decreased motor activity in an acute neurotoxicity study with fomesafen at the same dose where general systemic toxicity (body weight loss) was observed. No immunotoxicity was observed. In the dermal toxicity test, skin irritation was observed at all doses, and systemic toxicity was noted at the limit dose.

iii. There is evidence that sodium salt of acifluorfen results in increased susceptibility following exposure *in*

utero rats in the Sprague Dawley rat prenatal developmental study. However, there is low concern because effects are well characterized with clear NOAEL/LOAEL values and the chosen points of departure for risk assessment for each scenario are protective of these effects.

iv. There are no residual uncertainties identified in the exposure database. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to sodium salt of acifluorfen in drinking water. These assessments will not underestimate the exposure and risks posed by sodium salt of acifluorfen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute population adjusted dose (aPAD) and the chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk takes into account exposure estimated from dietary consumption of food and drinking water. Using the exposure assumptions described in this unit for acute exposure, EPA has concluded that acute exposure to sodium salt of acifluorfen will occupy less than 1% of the aPAD for all infants less than 1 year old, the population group receiving the greatest exposure. There are no registered residential uses of sodium salt of acifluorfen so acute aggregate risk is equivalent to acute dietary risk, which is not of concern. A separate, lower POD was selected for females 13 to 49 years old for which the estimated risk was 3.9% of the aPAD.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to sodium salt of acifluorfen from food and water will utilize 87% of the cPAD for all infants less than 1 year old, the population group receiving the greatest exposure. There are no registered residential uses of sodium salt of acifluorfen, so chronic aggregate risk is equivalent to chronic dietary risk, which is not of concern.

3. *Short-term/Intermediate-term risk.* Short- and intermediate-term aggregate exposure take into account short- and intermediate-term residential exposure plus chronic exposure to food and water

(considered to be a background exposure level). A short-term and an intermediate-term adverse effect were identified; however, sodium salt of acifluorfen is not registered for any use patterns that would result in short- or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- or intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for sodium salt of acifluorfen.

4. *Aggregate cancer risk for U.S. population.* As explained in Unit III.A., sodium salt of acifluorfen is classified as “likely to be carcinogenic to humans at doses high enough to cause the biochemical and histopathological changes in livers of rodents, but unlikely to be carcinogenic at doses below those causing these changes.” EPA determined that the non-linear RfD approach will be protective for chronic effects, including carcinogenicity. Because the chronic risks are below EPA’s level of concern, sodium salt of acifluorfen is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to sodium salt of acifluorfen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods are available for enforcement of tolerances of sodium salt of acifluorfen in the Pesticide Analytical Manual (PAM) Volume II. PAM Volume II lists a gas chromatography/electron capture detector (GC/ECD) method, (Method I), for the determination of sodium salt of acifluorfen in/on plant commodities. Identifications are confirmed by gas chromatograph equipped with a mass spectroscopy (GC/MS), Method A in PAM II.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural

practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

Codex has not established any MRLs for sodium salt of acifluorfen; thus, harmonization is not an issue.

V. Conclusion

Therefore, tolerances are established for residues of sodium salt of acifluorfen, including its metabolites and degradates, in or on the following commodities: berry, low growing, subgroup 13–07G at 0.1 ppm; soybean, vegetable, edible podded at 0.09 ppm and soybean, vegetable, succulent shelled at 0.09 ppm. Additionally, EPA is removing the established tolerance for residues of sodium salt of acifluorfen in or on strawberry at 0.05 ppm.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: July 19, 2023.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

- 2. In § 180.383, amend paragraph (a) by:
- a. Designating the table to paragraph (a); and
- b. In newly designated table 1 to paragraph (a):
- i. Adding in alphabetical order the entries “Berry, low growing, subgroup 13–07G”; “Soybean, vegetable, edible podded”; and “Soybean, vegetable, succulent shelled”; and
- ii. Removing the entry for “Strawberry”.

The additions read as follows:

§ 180.383 Sodium salt of acifluorfen; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Berry, low growing, subgroup 13–07G	0.1
* * * *	*
Soybean, vegetable, edible podded	0.09
Soybean, vegetable, succulent shelled	0.09

* * * *

[FR Doc. 2023–15900 Filed 7–26–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 230615–0151; RTID 0648–XD142]

Pacific Halibut Fisheries of the West Coast; Inseason Action for the 2023 Area 2A Pacific Halibut Directed Commercial Fishery

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces an inseason action for the 2023 non-tribal directed commercial Pacific halibut fishery that operates south of Point Chehalis, Washington (lat. 46°53.30' N) in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. Specifically, this action adds an additional fishing period beginning on August 1, 2023 at 8 a.m. and closing on

August 3, 2023 at 6 p.m. and implements a fishing period catch limit of 1,000 pounds (lb) (0.45 mt) dressed weight for all vessel size classes. This action is intended to conserve Pacific halibut and provide commercial fishing opportunity where available.

DATES: *Effective date:* July 24, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Melissa Mandrup, 562–980–3231, Melissa.Mandrup@noaa.gov.

SUPPLEMENTARY INFORMATION: On June 26, 2023, NMFS published a final rule implementing harvest specifications, fishing periods, and fishing period limits by vessel size class for the Area 2A non-tribal directed commercial Pacific halibut fishery (88 FR 41334), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The Pacific Fishery Management Council 2023 Catch Sharing Plan provides a recommended framework for NMFS' management considerations and allocations based on the 2023 Area 2A Pacific halibut catch limit of 1,520,000 pounds (lb) (689 metric tons (mt)) set by the International Pacific Halibut Commission (IPHC). The Area 2A catch limit and commercial fishery allocations were adopted by the IPHC and were published in the **Federal Register** on March 7, 2023 (88 FR 14066) after acceptance by the Secretary of State, with concurrence from the Secretary of Commerce, in accordance with 50 CFR 300.62.

Per a final rule published on June 26, 2023 (88 FR 41334), two fishing periods were set for the 2023 directed commercial Pacific halibut fishery; the first fishing period began on June 27, 2023 at 8 a.m. and closed on June 29 at 6 p.m. and the second fishing period opened on July 11, 2023 at 8 a.m. and closed on July 13 at 6 p.m. Fishing period limits for the fishing periods announced in the final rule varied by vessel size class, ranging from 2,716 lb (1.23 mt) to 6,136 lb (2.78 mt). Federal regulations at 50 CFR 300.63(e)(1)(iii), “Inseason action to add fishing periods and associated fishing period limits,” allow the NMFS Regional Administrator to add fishing periods as needed to attain the directed commercial fishery allocation. Fishing period limits, for those fishing periods added inseason, are equal across all vessel size classes.

Landings information at the conclusion of the second fishing period indicate that sufficient allocation remains to warrant an additional fishing period without exceeding the allocation for the Area 2A directed commercial fishery. As stated above, inseason addition of fishing periods with fishing

period limits equal across all vessel size classes is authorized by Federal regulations at 50 CFR 300.63(e)(1)(iii) and was announced in the final rule (88 FR 41334, June 26, 2023). NMFS determined the following inseason action is necessary to meet the management objective of attaining the directed commercial fishery allocation, will not result in exceeding the allocation, and is consistent with the inseason management provisions allowing for additional fishing periods. Notice of this additional fishing period and fishing period limits will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action

Description of the action: This inseason action implements an additional fishing period, beginning August 1, 2023 at 8 a.m. and ending on August 3, 2023 at 6 p.m. This inseason action also implements a fishing period catch limit of 1,000 lb (0.45 mt) dressed weight (880 lb (0.40 mt) net weight) for all vessel size classes.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for commercial halibut fishery participants in Area 2A. The first fishing period opened on June 27, 2023 at 8 a.m. and closed on June 29, 2023 at 6 p.m. The second fishing period opened on July 11, 2023 at 8 a.m. and closed on July 13, 2023 at 6 p.m. NMFS has determined that an additional fishing period is warranted because sufficient allocation remains and that a substantial amount of the allocation will go unharvested without an additional fishing period.

As of July 19, approximately 223,261 lb (101.27 mt), net weight, have been harvested of the 257,819 lb (116.95 mt) allocation (87 percent), leaving 34,558 lb (15.68 mt) remaining (13 percent). With little risk of the directed commercial fishery allocation being exceeded, an additional fishing period is warranted for participants in the directed commercial fishery. Therefore, through this action, NMFS is adding one fishing period not previously implemented in the final rule on June 26, 2023 (88 FR 41334). Specifically, an additional fishing period is announced for August 1, 2023 at 8 a.m. until August 3, 2023 at 6 p.m.

Fishing period limits for the two fishing periods, implemented in the final rule (88 FR 41334, June 26, 2023), varied across vessel size classes, ranging from 2,715 lbs. (1.23 mt) to 6,135 lbs. (2.78 mt), and were based on the number of permits issued and the allocation. Fishing period limits implemented through inseason action

are equal across vessel size classes, as described in the final rule. Based on the allocation estimated to be remaining and the projected participation in this additional fishing period, the fishing period limit for all vessel size classes is 1,000 lb, (0.45 mt) dressed weight.

Notice of this additional fishing period and fishing period limit will also be announced on the NMFS hotline at 206-526-6667 or 800-662-9825.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(e)(1)(iii), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The California, Oregon, and Washington Departments of Fish and Wildlife provided estimated harvest data to NMFS, showing that the fishery participants in the directed commercial fishery had caught only an estimated 87 percent of the directed commercial fishery allocation. NMFS uses current fishery harvest and participation estimates, and fishing period catches from prior years to determine if additional fishing periods are necessary and to set fishing period limits. Given that harvest in the first two fishing periods is below the allocation, a third fishing period is considered necessary to increase commercial fishing opportunity to attain the directed commercial fishery allocation. This action should be implemented as soon as possible for fishery participants to plan for the additional fishing. This fishery has historically had 2 weeks between fishing periods, or as close to 2 weeks between them as is practicable, and closes no later than December 7, 2023 (88 FR 14066, March 3, 2023). As such, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of an additional fishing period, the directed commercial fishery allocation is unlikely to be reached, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan. It is necessary that this rulemaking be implemented in a timely manner so that planning for additional fishing periods can take place, and for business decision making by the regulated public impacted by this action, which includes commercial fishing operations and associated port businesses, among others. To ensure the

regulated public is fully aware of this action, notice of this regulatory action will also be provided to fishery participants through a telephone hotline, and news release. No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(e)(1)(iii) and in the final rule (88 FR 41334, June 26, 2023).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. This inseason action is not expected to result in exceeding the allocation for the directed commercial fishery. NMFS regulations allow the Regional Administrator to add fishing periods and set fishing period limits inseason, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the fishery. NMFS recently received information on the progress of landings in the directed commercial fishery, indicating an additional fishing period with fishing period limits should be implemented in the fishery to ensure optimal and sustainable harvest of the allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of this additional fishing period would not allow the allocation objectives of the directed commercial Pacific halibut fishery to be met.

Authority: 16 U.S.C. 773–773k.

Dated: July 24, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023–15915 Filed 7–24–23; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 230724–0172]

RIN 0648–BL91

Fisheries of the Northeastern United States; the 2023–2025 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements the 2023–2025 specifications for the Mackerel, Squid, and Butterfish Fishery Management Plan as recommended by the Mid-Atlantic Fishery Management Council. This action sets the 2023–2025 chub mackerel specifications, the 2023–2024 butterfish specifications, and the 2023 *Illex* squid specifications. This action also reaffirms the 2023 longfin squid specifications.

DATES: Effective July 27, 2023.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA), the Supplemental Information Report (SIR), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. These documents are also accessible via the internet at <https://www.mafmc.org>.

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: <https://www.greateratlantic.fisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT:

Shannah Jaburek, Fishery Policy Analyst, 978–282–8456.

SUPPLEMENTARY INFORMATION:

Background

This rule implements specifications, which are the combined suite of commercial and recreational catch levels established for one or more fishing years, for chub mackerel, *Illex*

squid, and butterflyfish, and reaffirms previously announced specifications for longfin squid. Atlantic mackerel specifications for 2023 were set through a separate action (88 FR 6665, February 1, 2023). Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, ensuring maximum sustainable yield, and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of the stock's defined overfishing limit (OFL).

The regulations implementing the fishery management plan (FMP) require the Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterflyfish Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council's SSC. The FMP regulations also require the specification

of annual catch limits (ACL) and accountability measure (AM) provisions for butterflyfish. Both squid species are exempt from the ACL/AM requirements because they have a life cycle of less than 1 year. In addition, the regulations require the specification of domestic annual harvest (DAH), the butterflyfish mortality cap in the longfin squid fishery, and initial optimum yield (IOY) for both squid species.

On May 10, 2022 (87 FR 27952), we published a final rule in the **Federal Register** implementing the previously approved 2022 specifications for the chub mackerel, butterflyfish, longfin squid, and *Illex* squid fisheries.

The Council's SSC met in May and July 2022 to reevaluate the chub mackerel, longfin squid, *Illex* squid, and butterflyfish 2023 specifications based upon the latest information. At those meetings, the SSC concluded that no adjustments to the *Illex* squid, longfin squid, and chub mackerel ABCs were warranted. However, for butterflyfish, the SSC recommended to use a different biological reference point based on new information from the assessment. The stock was assessed with the recently developed model known as the Woods Hole Assessment Model.

2023 Longfin Squid Specifications

This action maintains the 2022 longfin squid ABC of 23,400 metric tons (mt) for 2023. The background for this ABC is discussed in the proposed rule to implement the 2021–2022 squid and butterflyfish specifications (86 FR 38586; July 22, 2021) and is not repeated here. The IOY, DAH, and domestic annual processing (DAP) are calculated by deducting an estimated discard rate (2 percent) from the ABC. This results in a 2023 IOY, DAH, and DAP of 22,932 mt (Table 1). This action also maintains the existing allocation of longfin squid DAH among trimesters according to percentages specified in the FMP (Table 2). The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendation for 2024 if new information becomes available.

TABLE 1—2023 LONGFIN SQUID

Specification	Metric tons
OFL	Unknown
ABC	23,400
IOY	22,932
DAH/DAP	22,932

TABLE 2—2021–2022 LONGFIN QUOTA TRIMESTER ALLOCATIONS

Trimester	Percent	Metric tons
I (Jan–Apr)	43	9,861
II (May–Aug)	17	3,898
III (Sep–Dec)	40	9,173

2023–2024 Butterflyfish Specifications

This action implements the 2023 butterflyfish specifications and projected 2024 specifications as outlined in Table 3. The SSC reviewed the research track assessment results in May 2022. A variety of ecosystem topics were considered for inclusion in the butterflyfish assessment. These included

predictive models for spatial distribution patterns over time; the influence of environmental drivers; the potential magnitude of natural mortality by marine mammal, bird, and fish populations; and comparative analyses of trends in recruitment and condition factor for a broad range of fish species. The proposed 2023 and projected 2024 butterflyfish specifications uses a new

biological reference point for fishing mortality that is higher than earlier values based on updated scientific information. These specifications maintain the existing butterflyfish mortality cap in the longfin squid fishery of 3,884 mt and the existing allocation of the butterflyfish mortality cap among longfin squid trimesters (Table 4).

TABLE 3—2023 AND PROJECTED 2024 BUTTERFISH SPECIFICATIONS IN METRIC TONS

Specification	2023	2024
OFL	17,631	16,096
ABC	17,267	15,764
ACT	16,404	14,976
Assumed discards	1,248	1,248
Total discards	5,132	5,132
Butterfish cap in longfin	3,884	3,884
DAH	11,271	9,844

TABLE 4—2023 TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE LONGFIN SQUID FISHERY

Trimester	Percent	Metric tons
I (Jan–Apr)	43	1,670
II (May–Aug)	17	660
III (Sep–Dec)	40	1,554
Total	100	3,844

2023 *Illex* Squid Specifications

The 2023 *Illex* squid ABC is 40,000 mt, consistent with the Council's recommendation and as proposed. In this final rule, however, the ABC is reduced by the discard rate of 3.42 percent, which results in a 2023 IOY, DAH, and DAP of 38,631 mt (Table 5). This discard rate is slightly lower than in the proposed rule, and lower than the Council's recommendation (both 4.52 percent). This new discard rate represents a more accurate estimate than the discard rate in the proposed rule that appears to have been influenced by low observer coverage in 2020–2021 due to COVID-19. While the Council did not recommend this discard rate for the 2023 specifications, at its April 2023 meeting the Council used this formula in developing recommendations for the 2024–2025 specifications. NMFS determined that this discard estimate based on updated information is a more accurate than the estimated used by Council when developing its 2023 recommendation, and we are applying it for 2023 as well. This decision was made to provide a benefit to the industry without implications to the stock, as the ABC remains the same. Due to the revised commercial discard rate, the 2023 IOY, DAH, and DAP represent an increase of 475 mt compared to 2022.

TABLE 5—2023 ILLEX SQUID SPECIFICATIONS IN METRIC TONS

Specification	2023
OFL	Unknown.
ABC	40,000
IOY	38,631
DAH/DAP	38,631

Reaffirmation of 2021–2022 Atlantic Chub Mackerel Specifications

Amendment 21 to the FMP (88 FR 6665; February 1, 2023) previously implemented chub mackerel specifications for the 2020–2022 fishing years. The Council reevaluated these specifications at its June 2022 meeting and decided to make no adjustments for the 2023–2025 fishing years. This action sets the previously implemented specifications for 2023 and projects the same for 2024–2025.

TABLE 6—2023 AND PROJECTED 2024–2025 ATLANTIC CHUB MACKEREL SPECIFICATIONS IN METRIC TONS

Specification	2023–2025
ABC	2,300
Annual Catch Limit (ACL)	2,262
Annual Catch Target	2,171
Total Allowable Landings	2,041

Additional Measures Not Part of the 2023 Mackerel, Squid, and Butterfish Specifications

In addition to implementing the specifications discussed previously, this final rule reinstates regulatory text outlining the eligibility requirements required to issue Tier 1 longfin squid moratorium permits found at 50 CFR 648.4(a)(5)(i)(A)(1) and the requirement to close the directed *Illex* fishery once a certain percentage of the DAH has been landed found at § 648.24(a)(2) that were inadvertently removed from the Code of Federal Regulations on January 1, 2023. These changes simply restore the regulatory text that was removed by mistake by the expiration of a previous action, and is being made under our administrative authority at section 305(d) of the Magnuson-Stevens Act.

Proposed Rule Comments and Responses

We received no public comments on the proposed rule published on March 7, 2023 (88 FR 14110).

Changes From the Proposed Rule

Originally the Council recommended that the *Illex* squid ABC be reduced by the status quo discard rate of 4.52 percent, which would have resulted in a 2023 IOY, DAH, and DAP of 38,192 mt. However, at the March 23, 2023, Mackerel, Squid, and Butterfish Monitoring Committee meeting, the Committee observed that *Illex* squid discards varied from 315 mt to 1,407 mt from 2012–2021, including discards estimates that may have been driven by lower coverage in 2020–2021 due to COVID-19. As such, the 2023 ABC remains at 40,000 mt, but with the IOY/DAH limit adjusted by a discard rate of 3.42 percent to 38,631 mt after

accounting for 1,369 mt set aside for potential discards. These changes were made in response to the Committee's updated discard estimate based on updated information and to account for the COVID-19 anomalies.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act and other applicable law.

This final rule has been determined to be not significant for purposes of E.O. 12866.

This final rule does not contain policies with federalism or “takings” implications, as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This action does not contain any collection-of-information requirements subject to the Paperwork Reduction Act.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. The start of the fishing year began on January 1, 2023. This rule slightly increases the *Illex* squid DAH and reinstates the regulatory requirement to close the directed *Illex* fishery once a certain percentage of the DAH has been landed. A delay in implementing final measures would prevent any economic benefits from this rule from being realized and prevent achieving optimal yield in the summer fishing season currently underway. Importantly, if the regulations relating to *Illex* squid closures are not promptly reinstated and made effective, we may find ourselves unable to implement such action if that fishery approaches its DAH this summer, which could occur rapidly in such a high-volume fishery. Data in the longfin squid fishery that only recently became available indicates that a trimester II closure is imminent. This rule maintains the longfin squid specifications implemented in 2022 (87 FR 27952, May 10, 2022) and the fishery would close at the same landings threshold being implemented in the 2023 specifications.

However, if there is a delay in implementing the 2023 longfin squid specifications, the closure would occur

under the old specifications and would likely cause confusion within the industry that the fishery is reopening once the 2023 specifications become effective. In addition, this rule slightly reduces the butterfish ABC below the current specifications based on a recent butterfish stock assessment. Past performance suggests that this will not limit the fishery as recent landings have been and continue to remain lower than the reduced ABC, but there always remains a risk of overages with the fishery operating under the current higher specifications due to the nature of the butterfish fishery and the ability to catch high volumes of fish in a short amount of time. Lastly, this action reaffirms the chub mackerel specification currently in place for 2023, therefore, delaying implementation would be unnecessary and might add confusion for industry participants. In response to this action, unlike actions that require an adjustment period to comply with new rules, vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the overall quotas for these fisheries and adjusted trip limits should such quotas be reached. Notably, fishery stakeholders have been involved in the development of this action and are anticipating this rule. Therefore, it is in the public interest to implement this final action as soon as possible.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action

would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 24, 2023.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.4, add paragraph (a)(5)(i)(A)(1) to read as follows:

§ 648.4 Vessel permits.

- (a) * * *
- (5) * * *
- (i) * * *
- (A) * * *

(1) *Tier 1 longfin squid moratorium permit.* Beginning in February 2019, the Regional Administrator shall automatically issue a Tier 1 longfin squid moratorium permit to any vessel that is issued a longfin squid/butterfish moratorium permit or eligible to be issued such a permit held in

confirmation of permit history (CPH) during calendar year 2018 that meets the eligibility criteria in this paragraph (a)(5)(i)(A)(1). To be eligible for a Tier 1 permit, a vessel must have been issued a valid longfin squid/butterfish moratorium permit and landed more than 10,000 lb (4,536 kg) of longfin squid in at least one calendar year between January 1, 1997, and December 31, 2013. Fishing history, including for a permit held in confirmation of permit history, can be used by a vessel to qualify for and be issued a tier 1 longfin squid moratorium permit, provided the Regional Administrator has determined that the fishing and permit history of such vessel has been lawfully retained by the applicant. Landings data used in this qualification must be verified by dealer reports submitted to NMFS. A vessel that was not automatically issued a Tier 1 longfin squid moratorium permit may apply for such a permit in accordance with paragraph (a)(5)(i)(B) of this section.

* * * * *

■ 3. In § 648.24, add paragraph (a)(2) to read as follows:

§ 648.24 Fishery closures and accountability measures.

(a) * * *

(2) *Illex.* NMFS shall close the directed *Illex* fishery in the EEZ when the Regional Administrator projects that 94 percent of the *Illex* DAH is harvested. The closure of the directed fishery shall be in effect for the remainder of that fishing period, with incidental catches allowed as specified at § 648.26.

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[FR Doc. 2023–15924 Filed 7–26–23; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 88, No. 143

Thursday, July 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-1643; Project Identifier MCAI-2022-01649-A]

RIN 2120-AA64

Airworthiness Directives; British Aerospace (Operations) Limited and British Aerospace Regional Aircraft Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2017-19-22, which applies to British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes. AD 2017-19-22 requires incorporating BAE Systems' Corrosion Prevention and Control program into the Airworthiness Limitations Section (ALS) of the existing instructions for continued airworthiness (ICA) for your airplane, which adds new and more restrictive inspections for corrosion that include inspecting the door hinges/supporting structure and attachment bolts for the main spar joint and engine support, and the rudder hinge location on the vertical stabilizer, and applicable corrective actions. Since the FAA issued AD 2017-19-22, the Civil Aviation Authority (CAA) of the United Kingdom superseded the mandatory continuing airworthiness information (MCAI) issued by the European Aviation Safety Agency (EASA) to correct an unsafe condition on these products. This proposed AD would require revising the ALS of the existing ICA for your airplane. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by September 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-2023-1643; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact BAE Systems (Operations) Ltd., Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 3300 488727; fax: +44 1292 675704; email: *RApublications@baesystems.com*; website: *baesystems.com/businesses/regionalaircraft/*.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2023-1643.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Westbury, NY 11590; phone: (816) 329-4059; email: *doug.rudolph@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2023-1643; Project Identifier MCAI-2022-01649-A" at the beginning of your comments. The most helpful comments reference a specific portion of

the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2017-19-22, Amendment 39-19052 (82 FR 44502, September 25, 2017) (AD 2017-19-22), for all British Aerospace Regional Aircraft Jetstream Series 3101 and Jetstream Model 3201 airplanes. AD 2017-19-22 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2017-0073, dated April 27, 2017 (EASA AD 2017-0073) to correct an unsafe condition identified as findings of extensive corrosion in areas covered by an existing zonal inspection.

EASA AD 2017–0073 described the unsafe condition as both the need for newly added inspections for corrosion, which includes inspecting the door hinges/supporting structure and attachment bolts for the main spar joint and engine support, and inadequate existing instructions for inspection for corrosion of several areas including the rudder hinge location on the vertical stabilizer.

AD 2017–19–22 requires incorporating new revisions to the ALS of the existing ICA for your airplane to incorporate new and more restrictive inspections for corrosion, which include inspecting the door hinges/supporting structure and attachment bolts of the main spar joint and engine support, and the hinge location on the vertical stabilizer, and repair or replacement, as applicable. The FAA issued AD 2017–19–22 to address corrosion on the rudder upper hinge bracket and internal wing, areas of the passenger/crew door hinges and supporting structure, the main spar joint, and the engine support attachment bolts, which could lead to reduced structural integrity with consequent loss of control.

Actions Since AD 2017–19–22 Was Issued

Since the FAA issued AD 2017–19–22, the CAA of the United Kingdom superseded EASA AD 2017–0073 and issued CAA AD G–2022–0021, dated December 21, 2022 (CAA AD G–2022–0021) (referred to after this as “the MCAI”) for all BAE Systems (Operations) Limited Jetstream Series 3100 and 3200 airplanes. The MCAI states that reports were received of corrosion on the rudder tab hinges, fuselage skin beneath the marker beacon antenna external doubler, and fuselage skin beneath the static vent external doubler, resulting in the need for new and more restrictive inspection requirements. The MCAI requires accomplishing the actions specified in BAE Systems Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref: JS/CPCP/01, Revision 9, dated April 15, 2022 (BAE Systems CPCP Manual JS/CPCP/01, Revision 9) within the associated threshold and intervals specified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9. Consequently, this proposed AD would require revising the ALS of the existing ICA for your approved maintenance or inspection program, as applicable, by including new actions, which include inspecting the rudder tab hinges, fuselage skin beneath the marker beacon antenna external doubler, and fuselage skin beneath the static vent external doubler for corrosion, and

depending on the inspection results, performing applicable corrective actions.

The FAA is proposing this AD to address corrosion on the rudder tab hinges, fuselage skin beneath the marker beacon antenna external doubler, and fuselage skin beneath the static vent external doubler. The unsafe condition, if not addressed, could lead to reduced structural integrity of the affected parts with consequent loss of control of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1643.

Related Service Information Under 1 CFR Part 51

The FAA reviewed BAE Systems CPCP Manual JS/CPCP/01, Revision 9. This service information specifies procedures for a comprehensive corrosion prevention and control program.

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

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain none of the requirements of AD 2017–19–22. This proposed AD would require revising the ALS of the existing ICA for your approved maintenance or inspection program. The revision to the ALS of the existing ICA specified in this proposed AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

Differences Between This Proposed AD and the MCAI

The MCAI applies to Model Jetstream Series 3100 and Jetstream Series 3200

airplanes, which are identified on the FAA type certificates as Jetstream Model 3101 and Jetstream Model 3201 airplanes, respectively.

The MCAI specifies contacting BAE for approved corrective actions instructions and this proposed AD would require, for certain corrective actions, contacting the Manager, International Validation Branch, FAA; CAA of the United Kingdom; British Aerospace (Operations) Limited’s Design Organization Approval (DOA) (for Jetstream Series 3101); or British Aerospace Regional Aircraft’s DOA (for Jetstream Model 3201) for approved corrective action instructions and accomplishing those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.

The MCAI requires revising the existing aircraft maintenance program (AMP) to introduce the actions specified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9. After the AMP is revised, the MCAI does not require recording AD compliance on a continued basis each time an action in the revised AMP is performed. The AMP is not required for U.S. operators for the affected airplanes; however, this proposed AD would require incorporating BAE Systems CPCP Manual JS/CPCP/01, Revision 9, into the ALS of the existing ICA for your airplane, which has the same intended result as revising the AMP of not needing to record compliance with the proposed AD each time an individual action is accomplished.

The MCAI requires doing all actions in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, from the effective date of CAA AD G–2022–0021 and this proposed AD would require doing all actions in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, at the compliance times specified in that manual or within 12 months after the effective date of the proposed AD, whichever occurs later, except for the actions identified in paragraph (g)(3) of this proposed AD.

BAE Systems CPCP Manual JS/CPCP/01, Revision 9 specifies reporting of Level 2 and Level 3 corrosion, and this proposed AD would not.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 42 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
Revise the ICA	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$3,570

The scope of damage found while performing in the actions specified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, could vary significantly from airplane to airplane. The FAA has no data to determine the costs to repair or replace damaged parts on each airplane or the number of airplanes that may require repair.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
- a. Removing Airworthiness Directive 2017–19–22, Amendment 39–19052 (82 FR 44502, September 25, 2017); and
 - b. Adding the following new airworthiness directive:

British Aerospace (Operations) Limited and British Aerospace Regional Aircraft:
Docket No. FAA–2023–1643; Project Identifier MCAI–2022–01649–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 11, 2023.

(b) Affected ADs

This AD replaces AD 2017–19–22, Amendment 39–19052 (82 FR 44502, September 25, 2017).

(c) Applicability

This AD applies to British Aerospace (Operations) Limited Model Jetstream Model 3101 airplanes and British Aerospace Regional Aircraft Model Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2721, Rudder Tab Control System; 5330, Fuselage Main, Plate/Skin.

(e) Unsafe Condition

This AD was prompted by reports of corrosion on the rudder tab hinges, fuselage skin beneath the marker beacon antenna external doubler, and fuselage skin beneath the static vent external doubler. The FAA is issuing this AD to detect and correct corrosion on the rudder tab hinges, fuselage skin beneath the marker beacon antenna external doubler, and fuselage skin beneath the static vent external doubler. The unsafe condition, if not addressed, could lead to

reduced structural integrity of the affected parts with consequent loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Before further flight after the effective date of this AD, revise the Airworthiness Limitations Section of the existing instructions for continued airworthiness for your approved maintenance or inspection program, as applicable, by incorporating the actions and associated thresholds and intervals, including life limits, specified in BAE Systems Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref: JS/CPCP/01, Revision 9, dated April 15, 2022 (BAE Systems CPCP Manual JS/CPCP/01, Revision 9).

(2) The actions required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(3) Do all the actions in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, as follows:

(i) For all tasks other than 130/EX/01 C3, 140/EX/01 C2, 150/EX/01 C2, 150/EX/01 C3, 150/EX/01 C4, and 200/EX/01 C3: At the compliance times specified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For tasks 130/EX/01 C3, 140/EX/01 C2, 150/EX/01 C2, 150/EX/01 C3, 150/EX/01 C4, and 200/EX/01 C3: Within 12 months after the effective date of this AD.

(4) If any discrepancy, as identified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, is found during any inspection or task required by paragraph (g)(3) of this AD, repair or replace, as applicable, all damaged structural parts and components and do the maintenance procedures for corrective action in accordance with and at the compliance time specified in BAE Systems CPCP Manual JS/CPCP/01, Revision 9, except reporting Level 2 and Level 3 corrosion and reporting cracks or other structural defects are not required. If no compliance time is defined, do the applicable corrective action before further flight.

(5) If during any inspection or task required by paragraph (g)(3) of this AD, any discrepancy is found that is not identified in paragraph (g)(4) of this AD or is beyond the repairable limits specified in paragraph (g)(4) of this AD, before further flight, contact either the Manager, International Validation

Branch, FAA; CAA of the United Kingdom; British Aerospace (Operations) Limited's Design Organization Approval (DOA) (for Jetstream Series 3101); or British Aerospace Regional Aircraft's DOA (for Jetstream Model 3201) for approved corrective action instructions and accomplish those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.

(h) Provisions for Alternative Actions and Intervals

After the action required by paragraph (g)(1) of this AD has been done, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j)(2) of this AD or email to: 9-AVS-AIR-730-AMOC@faa.gov. If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

(1) Refer to Civil Aviation Authority (CAA) AD G-2022-0021, dated December 21, 2022, for related information. This CAA AD may be found in the AD docket at regulations under Docket No. FAA-2023-1643.

(2) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Westbury, NY 11590; phone: (816) 329-4059; email: doug.rudolph@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) BAE Systems Jetstream Series 3100 & 3200 Corrosion Prevention and Control Programme, Manual Ref: JS/CPCP/01, Revision 9, dated April 15, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact BAE Systems (Operations) Ltd., Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; phone: +44 3300 488727; fax: +44 1292 675704; email: RApublications@baesystems.com; website: baesystems.com/businesses/regionalaircraft/.

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

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

Issued on July 21, 2023.

Victor Wicklund,

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

[FR Doc. 2023-15917 Filed 7-26-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-1587; Airspace Docket No. 23-ASO-29]

RIN 2120-AA66

Amendment of Class D and Class E Airspace, and Removal of Class E Airspace; Jupiter, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, and Class E airspace extending upward from 700 feet above the surface for William P. Gwinn Airport, Jupiter, FL. This action would increase the radius of the Class D airspace, as well as amend verbiage in the Class D description. This action would also update the geographic coordinates for the Class E airspace extending upward from 700 feet above the surface, and revoke Class E airspace designated as an extension to a Class D surface area.

DATES: Comments must be received on or before September 11, 2023.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2023-1587 and Airspace Docket No. 23-ASO-29 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 for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

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 for 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: 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 would amend Class D and Class E airspace, and remove Class E airspace in Jupiter, FL. An airspace evaluation determined that this update is necessary to support IFR operations in the area.

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.

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 edits, 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.

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 office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E airspace designations are published in Paragraphs 5000, 6004, 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 proposes to amend the current version of that order, FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. These updates would be published subsequently in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11G is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace, and Class E airspace extending upward from 700 feet above the surface for William P. Gwinn Airport, Jupiter, FL, by increasing the Class D radius to 4.5 miles (previously 4.1 miles) and updating the geographic coordinates of the Class E airspace extending upward from 700 feet above the surface to coincide with the FAA's database and remove the city name from the second line of the Class E airspace description. This action would also replace the terms Notice to Airmen with Notice to Air Missions, and Airport/Facility Directory with Chart Supplement in the Class D description. Finally, this action would remove the Class E airspace designated as an extension to a Class D surface area, due to all approaches utilizing the United NDB and Pahokee VORTAC have been canceled, and the extensions are no longer required. 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 proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists 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 5000 Class D Airspace.

* * * * *

ASO FL D Jupiter, FL [Amended]

William P. Gwinn Airport, FL
(Lat 26°54'29" N, long 80°19'42" W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of William P. Gwinn Airport. This Class D 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 6004 Class E Airspace Designated as an Extension to Class D or E Surface Area.

* * * * *

ASO FL E4 Jupiter, FL [Removed]

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

* * * * *

ASO FL E5 Jupiter, FL [Amended]

William P. Gwinn Airport, FL
(Lat 26°54'29" N, long 80°19'42" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of William P. Gwinn Airport.

* * * * *

Issued in College Park, Georgia, on July 19, 2023.

Andreese C. Davis,

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

[FR Doc. 2023-15783 Filed 7-26-23; 8:45 am]

BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1420

[CPSC Docket No. 2017-0032]

Standard for All-Terrain Vehicles

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Improvement Act of 2008 (CPSIA) required the Consumer Product Safety Commission (CPSC or the Commission) to publish, as a mandatory consumer product safety standard, the *American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements* developed by the Specialty Vehicle Institute of America (ANSI/SVIA 1-2007). CPSC published that mandatory consumer product safety standard on November 14, 2008. Since then, the Commission has revised this mandatory standard twice in accordance with the revision procedures set out in the CPSIA. ANSI/SVIA has again revised its standard. In accordance with CPSIA, CPSC proposes to amend the Commission's mandatory ATV standard to reference the 2023 edition of the ANSI/SVIA standard.

DATES: Submit comments by September 25, 2023.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the proposed rule's information collection requirements should be directed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202-395-6974, or emailed to: oir_submission@omb.eop.gov. In addition, written comments that are sent to OMB also should be submitted electronically at www.regulations.gov, under Docket No. CPSC-2017-0032.

Comments related to the proposed rule, identified by Docket No. CPSC-2017-0032, may be submitted electronically or in writing by any of the following methods:

Electronic Submissions: Submit electronic comments to the *Federal eRulemaking Portal* at <http://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. CPSC typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Confidential Written Submissions: CPSC encourages you to submit electronic comments using the Federal eRulemaking Portal. You may, however, submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided to www.regulations.gov. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>, and insert the docket number, CPSC-2017-0032, into the "Search" box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Han Lim, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2327; email: HLim1@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

CPSIA directed the Commission to "publish in the **Federal Register** as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA 1-2007)." 15 U.S.C. 2089(a)(1). Accordingly, on November 14, 2008, CPSC published a final rule mandating ANSI/SVIA 1-2007 as a

consumer product safety standard. 73 FR 67385. The final rule was codified at 16 CFR part 1420.

The Commission has revised the mandatory standard twice in accordance with the revision procedures set out in CPSIA and incorporated into section 42 of the Consumer Product Safety Act, 15 U.S.C. 2089(b). On February 29, 2012, the Commission published a final rule that amended the Commission's ATV standard to reference the 2010 edition of the ANSI/SVIA standard. 77 FR 12197. Then on February 27, 2018, the Commission published a final rule that amended the mandatory ATV standard to reference the 2017 edition of the ANSI/SVIA standard. 83 FR 8336. On March 21, 2023, ANSI notified the Commission that the 2017 edition of the ANSI/SVIA standard had been revised.

Section 42(b) of the CPSA provides that, if ANSI/SVIA 1-2007 is revised, ANSI must notify the Commission of the revision. The Commission has 120 days after it receives that notification to issue a notice of proposed rulemaking to amend the Commission's mandatory ATV standard "to include any such revision that the Commission determines is reasonably related to the safe performance of [ATVs] and notify the Institute of any provision it has determined not to be so related." 15 U.S.C. 2089(b)(1) and (2). Thereafter, the Commission has 180 days after publication of the proposed amendment to publish a final rule to revise the ATV standard. *Id.*

II. Evaluation of ANSI/SVIA 1-2023

ANSI/SVIA 1-2023 contains requirements and test methods relating to ATVs, including vehicle equipment and configuration, vehicle speed capability, brake performance, pitch stability, electromagnetic compatibility, and sound level limits. The staff memorandum at Tab A of the July XX, 2023 Staff Briefing Package: Notice of Proposed Rulemaking (NPR) to Amend the All-Terrain Vehicle (ATV) Standard (Staff's NPR Briefing Package)¹ reviews in detail the changes from the 2017 edition of the ANSI/SVIA standard, which is currently the mandated consumer product safety standard for ATVs, to the 2023 edition. The following revisions are particularly significant:

- Requirements for hot surfaces;
- Requirements for fuel system components;

¹ Available at <https://www.cpsc.gov/s3fs-public/Federal-Register-Notice-Amendment-to-Standard-for-All-Terrain-Vehicles-Notice-of-Proposed-Rulemaking.pdf?VersionId=bcc3Jx8VevwLkKnSHtEL90UVi4p1q3lB>.

- Removal of the maximum recommended tire pressure of 69 kPa (10 psi); and
- Requirement of an effective date “beginning with 2026 model year vehicles” within the scope of the standard;
- Removal of requirement that paper user manuals be provided with all ATVs.

A. Hot Surfaces Requirements

ANSI/SVIA 1–2023 Section 12.1, *Touch Points*, specifies performance requirements that limit maximum surface temperatures for various touch points that, if too hot, may harm vehicle occupants. Without the proper surface temperature limits on ATV surfaces, consumers may experience contact burns. In addition, excessive exhaust temperatures can melt nearby combustible plastic components, which may pose a risk of fire.

ANSI/SVIA 1–2023 sets out performance tests to evaluate whether surface temperatures for various touch points are within specified limits. In September 2018, CPSC recommended that SVIA add requirements to address burn hazards to users of ATVs. CPSC staff subsequently worked with SVIA to develop standards for maximum surface temperatures on ATVs to address the risk of burns associated with ATVs. The Commission preliminarily concludes that testing the temperature of specified ATV touch points as provided by ANSI–SVIA 1–2023 is reasonably related to the safe performance of ATVs.

B. Fuel System Requirements

The 2017 edition of the ANSI/SVIA standard does not contain performance requirements to address fire hazards from fuel leaks. ANSI/SVIA 1–2023 adds multiple performance requirements to mitigate the risk of fuel leaks and fire hazards. These performance requirements apply to various aspects of an ATV’s fuel system that may contribute to fire hazards.

Most of the requirements are based on other similar standards that each address different aspects of the fuel system. For example, the fuel hose tensile test is similar to the test procedure from ANSI/OPEI B71.10–2018 *Standard for Off-Road Ground-Supported Outdoor Power Equipment—Gasoline Fuel Systems—Safety Specifications*. There are two options to test for fuel tank structural integrity. One of these options to evaluate the structural integrity of the fuel tank for resistance to impact forces is based on the SAE J288 standard for snowmobile fuel tanks. The other option is to follow the SVIA–1 test method involving

striking the tank with a metal sphere. The SVIA–1 committee adapted various fuel system component requirements from other standards to be applicable to ATVs.

These fuel system performance requirements are organized into four general categories:

Fuel Tank Structural Integrity

- Section 13.3 Fuel Tank Immersion Leak Test
- Section 13.5 Fuel Tank Cyclic Pressure Integrity Test
- Section 13.6 Fuel Soak Test for Plastic Tanks and Assemblies With Grommets and Seals
- Sections 13.8 and 13.15 Fuel Tank Leak Mitigation from Rollover or Tip over

Fuel Hoses

- 13.9 Fuel Line Integrity
- 13.10 Fuel Line Connection Tensile Test

Fuel Filter and Shut-Off Valve

- Section 13.4 Fuel Filter and Shut-off Valve Immersion Test

Elastomeric Component Durability

- Section 13.11 Elastomeric exposure to fuel
- Section 13.12 Ozone resistance
- Section 13.13 UV resistance
- Section 13.14 Corrosion resistance

CPSC staff is aware of three fuel tank recalls, two fuel hose recalls, and one fuel filter-related recall associated with ATVs.² A fuel leak occurs when there is a breach in the fuel system. A fuel breach can originate from multiple locations, such as the fuel hose to nozzle connections, fuel tank seam split or crack, cracked fuel filter, cracked fuel hose, etc. A fuel leak from any of the above components near a hot engine and/or exhaust components can increase the risk of fire.

Section 13 contains test requirements that are (a) one-time design qualification tests and (b) tests that are required of every fuel system for new production ATVs. Most of the requirements are one-time design qualification tests. The one-time qualification test requires manufacturers to conduct a single test that proves the design of a subsystem component such as the fuel tank meets

all the applicable requirements. The water immersion leak test is required for all fuel tank units that will be installed on a manufacturer’s ATV production line. Appendix A of the Staff’s NPR Briefing Package lists all the tests contained in Section 13 and distinguishes which tests are one-time design qualification type of tests and which tests are required for every ATV.

Section 13.3 is a leak test that requires every ATV fuel tank to be tested for leaks. The production fuel tank, fitted with all the fuel system components, is pressurized with compressed air and then submerged in water. Failures are detected by visual inspection of bubbles. This leak test is repeated during the course of various other tests after subjecting the fuel tank and/or fuel tank components to impact loading, pressure cycling, and elevated temperature conditioning to ensure no stress cracks or fuel tank breaches result from those three physical tests. Section 13.4 provides leak tests for individual components such as fuel filters and fuel shut-off valves that are similar to the leak tests Section 13.3 establishes for fuel tanks. Section 13.4 sets out a water immersion test to ensure these components are leak-free. CPSC staff has advised the Commission that these performance tests to detect leaks from fuel tanks, fuel filters, and fuel shut-off valves are effective in mitigating the risk of fuel leaks and can reduce the risk of fire hazards.

Fuel tanks are subjected to pressure cycling due to the varying amounts of fuel in the tank and changing temperatures. To simulate the effects of pressure cycling, a performance test described in section 13.5 (Fuel Tank Cyclic Pressure Integrity Test) applies a cyclic air pressure up to 4 psi for 10,000 cycles. This is a one-time design qualification test. Upon completion of the 10,000 pressure cycles, a leak test per the section 13.3 test procedure is conducted. CPSC staff assesses that the test procedure described in section 13.5 adequately evaluates the structural integrity of ATV fuel tanks when subjected to the repeated, fatigue type of pressure test.

The elevated temperature test set out in Section 13.6 evaluates structural damage that may occur when a fuel tank is subjected to elevated temperature scenarios. This performance test requires a sample fuel tank filled with gasoline to be kept in a test chamber at a constant elevated temperature of 60 °C (140 °F) for 480 hours. This requirement would detect stress cracks, seam splits, or other structural damage that can cause fuel to leak. At the conclusion of this 480-hour high temperature

² Voluntary Standards Meeting with Recreational Off-Highway Institute (ROHVA), Specialty Vehicle Institute of America (SVIA), and Outdoor Power Equipment Institute (OPEI) to discuss Off-Highway Vehicle Fire and Debris Penetration Hazards, September 19, 2018. Weblink to Meeting Log: <https://www.cpsc.gov/s3fs-public/2018-09-19-Voluntary-Standards-Meeting-on-Off-Highway-Vehicles.pdf?GhlbD87TF1W8m6F9B10g2CpZTCNzSrjP>. See pages 8 through 10 for the fuel-related recalls.

exposure test, the test sample fuel tank is emptied and then subjected to the Section 13.3 leak test to ensure no stress cracks form during the long period of elevated temperature. CPSC staff assesses that this performance test is effective in evaluating the structural integrity of ATV fuel tanks when subjected to extended elevated temperature environments. The Commission preliminarily concludes that this performance test is reasonably related to the safe performance of ATVs.

In a vehicle fuel system, components such as fuel pumps, shutoff valves, and fuel filters are joined with multilayered rubber hoses that may be connected in various ways such as barbed friction fittings, hose clamps, or quick snap-on connect mechanisms. Sections 13.9 and 13.10 contain tensile test requirements to ensure hose connections do not leak. Sample hose connections are subjected to a 30 lb tensile (pull) force to ensure fuel hoses do not slip off. Staff assesses that these performance tests are effective in mitigating the risk of fuel hoses slipping off and therefore this testing reduces the risk of fire hazards. The Commission preliminarily concludes that these tensile test requirements are reasonably related to the safe performance of ATVs.

ATVs are driven in a wide range of environments and conditions, from extreme cold, snowy conditions to extreme hot weather. Plastic fuel tanks are susceptible to expansion and contraction due to temperature fluctuations and variations in operating conditions and over time plastic fuel tanks may develop stress cracks. Unprotected portions of the fuel tank can be struck by debris, such as rocks, which can compromise the structural integrity of the tank. Section 13.7 provides that ATV fuel tanks be subjected to a qualification impact test that evaluates the structural integrity of the fuel tank after it is either struck by a steel ball (SVIA test option) or dropped from 1.25 meters onto a concrete surface (SAE J288—Snowmobile Fuel Tank Standard Test method option). The test option is decided by the manufacturer. Prior to the impact, the fuel tanks are subjected to a low temperature soak (-30°C for the SVIA test option or -40°C for the SAE J288 test option). CPSC staff assesses that this performance test is effective in evaluating the structural integrity of ATV fuel tanks when subjected to impact forces. The Commission preliminarily concludes that these tensile test requirements are reasonably related to the safe performance of ATVs.

Section 13.8 (Fuel Tank Protection Envelope Analysis) requires visual, computer aided design (CAD), or similar inspection to ensure neighboring components do not inadvertently compromise the structural integrity of fuel system components such as the fuel tank, fuel hoses, etc. in the event of a tip-over or roll-over. The procedure is a visual inspection or spatial analysis done with CAD, which CPSC staff consider useful to aid in addressing potential structural integrity issues of ATV fuel systems. The Commission preliminarily concludes that these inspection requirements are reasonably related to the safe performance of ATVs.

The performance test set out in Section 13.15 evaluates the effectiveness of the fuel system to limit the amount of fuel leakage (and associated risk of fire and/or explosion) in a rollover scenario where the ATV and its fuel tank are not in their normal upright positions. A test sample fuel tank filled with water is flipped upside down (180° from its normal upright position) for 10 minutes and the maximum allowable volume of water that can leak within that period is 300 mL. On average, the allowable leak rate is 30 mL per minute. Gasoline evaporates relatively quickly when exposed to air. This rate is consistent with the requirement from the 2012 edition of the golf car standard, ANSI/ILTVA (International Light Transportation Vehicle Association) Z130.1. CPSC staff assesses that this performance test is effective in evaluating the rollover vent valve's ability to limit the amount of fuel leakage if the ATV fuel tank is involved in a rollover.

Components with elastomeric parts such as fuel filters and fuel shut off valves are susceptible to cracking, corrosion, and/or deterioration when exposed to certain chemical or environmental elements such as ethanol-blended gasolines, ultraviolet (UV) light, and ozone. Elastomeric parts are composed of various rubber-like materials. Sections 13.10 through 13.14 set out the performance tests that expose sample fuel filters and fuel shut off valves to E10 (gasoline blended with 10% ethanol), UV light, and ozone for extended periods. The test components are visually examined for any cracks or signs of deterioration upon the completion of the performance tests. Parts made of fluoroelastomer are exempt, as this material is not susceptible to deterioration due to UV, ozone, or E10 exposures. Fluoroelastomer is a fluorocarbon-based type of synthetic rubber that has chemical corrosion resistant properties that are used for applications such as

gaskets, O-rings, and seals. CPSC staff assesses that this performance test is effective in evaluating the corrosion resistance properties of elastomeric parts.

The Commission preliminarily concludes that the fuel system performance requirements in Section 13 of the 2023 edition of the ANSI/SVIA standard are reasonably related to the safe performance of ATVs on the basis of staff's assessment that they will reduce the risk of fuel leaks and associated fire and burn hazards due to possible fuel breaches, over pressurizations, fuel spills, and component deterioration.

C. Tire Pressure

The 2007, 2010, and 2017 editions of the SVIA-1 standard defined low-pressure tires as "having a recommended tire pressure of no more than 69 kPa (10 psi)" in section 4.19 Tires. In the 2017 edition, Section 4.19 differentiated between Pneumatic (section 4.19.1) and Non-Pneumatic Tires (NPT) (section 4.19.2) and changed Pneumatic Tire requirements to "Maximum recommended tire pressure of 69kPa (10 psi)." Section 4.19.2 specifies "NPTs vertical stiffness shall be designed to produce a ground pressure of 69kPa (10 psi) or less with the subject vehicle." In the 2023 edition, the tire pressure value and vertical stiffness equivalent tire pressure value have been deleted.

The 2023 version retains the 4.19 requirement that ATVs be equipped with tires designed for off-highway use on these vehicles and that the tire sidewalls be marked with the recommended tire pressure. In addition, the 2023 version retains the various testing and performance requirements in sections 5 to 9 for speed capability, brakes, and pitch stability.

An ATV manufacturer could design an ATV with a proper suspension and 12 psi tires, and the tires would still be "low pressure" yet conflict with the definition. For that reason, staff does not believe that it is necessary to include a maximum tire pressure of 10 psi in the standard. Since ANSI/SVIA 1-2023 instructs consumers to follow manufacturers' recommendations for tire inflation pressures, either from the markings on the tires or the owners' manuals, CPSC staff assesses that this change to the standard is neutral and is not detrimental to ATV safety. The Commission preliminarily concludes that these inspection requirements are reasonably related to the safe performance of ATVs.

D. Owner's Manual

The 2017 edition of the SVIA–1 standard provides in Section 4.21 that all ATVs shall be provided an owner's manual “in paper form” and adds that the paper manual “may be supplemented at the manufacturer's option in electronic form viewable on a display on the ATV or other device.” The 2023 edition of SVIA–1 removes the phrase “which may be supplemented at the manufacturer's option in electronic form viewable on a display on the ATV or other device” which was added to the 2017 edition. Section 4.21 now states “All ATVs shall be provided with a manual in paper or electronic format at the time of delivery to the first purchaser. All ATVs with printed manuals shall be equipped with a means of carrying the manual that protects it from destructive elements while allowing reasonable access.” Under this standard the manufacturer has the choice of whether to provide electronic or paper manuals. The information required to be provided in the owner's manual includes a dedicated introductory safety section and important safety messages regarding age recommendations, proper operation of the ATV, and training resources. Therefore, CPSC staff believes that paper manuals should remain the default medium for important safety information because in that format the information will be immediately available for consumers. Many consumers are already disinclined to read instruction manuals and requiring them to go through extra steps to access them in electronic format reduces the likelihood that they will do so. Based on the increased risk of consumers not receiving information on the safe use of ATVs if that information is only electronically available, CPSC staff assesses that this change would likely result in a reduction in safety. For that reason, the Commission preliminarily concludes that this provision is not consistent with the safe operation of ATVs and therefore proposes maintaining in effect the current regulatory provision incorporating the 2017 version Section 4.21.

E. Effective Date

The CPSIA provides a timetable for the Commission to issue a notice of proposed rulemaking (within 120 days of receiving notification of a revised ANSI/SVIA standard) and to issue a final rule (within 180 days of publication of the proposed rule), but it does not establish requirements for effective dates. When the Commission adopted the 2010 revision to the ANSI/

SVIA standard, it provided for an effective date of 60 days from publication of the final rule. That date was revised based on comments from several ATV companies in order to allow them time to update their certification labels. When the Commission adopted the 2017 revision to the ANSI/SVIA standard, it provided for an effective date of January 1, 2019, approximately 10 months after publication of the final rule, based on SVIA's comments about the time needed for manufacturers to make the required changes.

CPSC staff assesses that many ATVs may already meet the new requirements in ANSI/SVIA 1–2023, and the changes from the 2017 to the 2023 voluntary standard will not require significant vehicle design or testing. Once SVIA notifies the Commission of a new version of the SVIA standard, CPSC is required to issue an NPR within 120 days and then issue a final rule 180 days after the NPR publication (300 days total). Because the projected date for issuance of a final rule is early in calendar year 2024, setting the effective date 180 days after publication of the final rule, as the Commission did with the 2017 standard, would result in an effective date in July 2024, with the specific date dependent on the date the final rule is issued. However, in order to set a date certain that will facilitate industry planning, as well as to align the effective date more closely with the timing of the ATV industry's typical transition from one model year to the next, the Commission proposes an effective date of September 1, 2024. With this effective date, ATV manufacturers will have approximately 17 months to comply with the new hot surface and fuel system requirements. The Commission preliminarily concludes that the proposed effective date is reasonable, feasible, and adequate to protect consumer safety for the following reasons:

- Since all ATVs' gasoline powered engines and associated components sold in the U.S. are regulated by the U.S. EPA for Exhaust and Evaporative emissions (40 CFR 1051.515(d)—Fuel Tank Permeation Testing), those ATVs will be exempt from having to conduct testing per Section 13.5 (Fuel Tank Cyclic Pressure Integrity Test) of ANSI/SVIA–1–2023. Where hazards associated with fuel tank cyclic pressure have already been addressed, there will be no negative effect on safety by providing this effective date rather than a shorter time period to comply.
- Depending on a firm's ATV manufacturing schedule cycle during the calendar year, any design changes

and associated testing to comply with the new standard will take place sometime within the 17-month period, with the understanding that firms will not produce ATVs all year round. The 17-month period from the issuance of SVIA–1–2023 to the proposed effective date will allow for resolution of supply chain issues, quality control issues, and any other issues that may arise.

- The proposed timeline here is similar to the timeline for the SVIA–1–2017 standard update. In June 2017, SVIA notified the Commission of the 2017 edition of the SVIA–1 standard. The final rule established an effective date of January 1, 2019, which was 18 months from start to finish (comparable to the recommended 17-month period proposed here).

For these reasons, the Commission proposes an effective date that is more clearly defined than the effective date for SVIA–1–2023 and that allows sufficient time for manufacturers to prepare to comply with the new standard while at the same time protecting consumer safety by requiring compliance within a reasonable time.

III. Initial Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) requires that agencies review a proposed rule for the rule's potential economic impact on small entities, including small businesses. Section 603 of the RFA generally requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make the analysis available to the public for comment when the agency publishes an NPR. 5 U.S.C. 603. Section 605 of the RFA provides that an IRFA is not required if the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The IRFA, or a summary of it, must be published in the **Federal Register** with the proposed rule. Under Section 603(b) of the RFA, each IRFA must include:

- (1) a description of why action by the agency is being considered;
- (2) a succinct statement of the objectives of, and legal basis for, the proposed rule;
- (3) a description and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the

type of professional skills necessary for preparation of the report or record; and

(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

The IRFA must also describe any significant alternatives to the proposed rule that would accomplish the stated objectives and that minimize any significant economic impact on small entities. Staff's initial regulatory flexibility analysis is provided in Tab B of Staff's NPR Briefing Package.

A. Reason for Agency Action

The intent of this rulemaking is to reduce deaths and injuries resulting from fire and burn hazards associated with ATVs. The Commission is considering this rule to amend the current mandatory standard to reference ANSI/SVIA 1–2023 because we preliminarily conclude that compliance with ANSI/SVIA 1–2023 would reduce fatal and non-fatal injuries associated with ATVs.

B. Objectives and Legal Basis of the Rule

The Commission proposes this rule to reduce the risk of fatal and non-fatal injuries associated with ATVs. On March 24, 2023, ANSI published the latest revision of the American National Standard for Four-Wheel All-Terrain Vehicles, ANSI/SVIA 1–2023. This rule is promulgated as required by, and under the authority of, CPSA section 42(b).

C. Small Entities to Which the Rule Will Apply

The proposed rule would directly affect manufacturers and importers of ATVs that are responsible for ensuring that the ATVs distributed in the United States meet the Commission's mandatory rule based on the ANSI/SVIA–1 standard. If promulgated as a final rule, it would not have any direct impact on other businesses, such as ATV dealers (unless they are also importers), or other small entities, including small governmental jurisdictions or other organizations.

To be distributed in the United States, ATVs must be covered by “ATV Action Plans,” which, among other things, describe the actions that manufacturers or importers will undertake to ensure that consumers are offered safety training and to monitor that ATVs intended for adult riders are not sold by ATV dealers for the use of children. As of April 2023, there were 38 ATV manufacturers or importers with ATV

Action Plans registered with the CPSC.³ Of the 38 firms with ATV Action Plans, staff has assessed that 14 are either large domestic manufacturers or subsidiaries of foreign manufacturers. In addition, staff has assessed that no domestic manufacturers of ATVs meet the U.S. Small Business Association (SBA) criteria to be considered small businesses.

Staff believes that the remaining 24 companies are likely importers, although in several cases there was insufficient information to make this determination. Of these 24 likely importers, staff has identified 14 firms that meet SBA criteria to be considered small businesses. For the remaining 10 firms, there was insufficient information to make a size determination.

D. Compliance, Reporting, and Recordkeeping Requirements of the Proposed Rule

The CPSC requires manufacturers (a term which includes importers) to certify that their products comply with applicable CPSC standards and regulations. 15 U.S.C. 2052(a)(11) & 2063(a)(1). The proposed rule amends the performance requirements and test procedures that suppliers must meet in order to sell ATVs in the United States. CPSC staff has examined differences between ANSI/SVIA 1–2017 and ANSI/SVIA 1–2023. A detailed list and discussion of these differences appear Staff's NPR Briefing Package. In addition to making minor modifications to Sections 1 through 11, ANSI/SVIA 1–2023 adds Section 12 (Burn Hazards) and Section 13 (Fuel Systems Requirements). Manufacturers and/or importers of models that do not currently comply with ANSI/SVIA 1–2023 will incur costs for testing, and possibly for parts and vehicle redesign.

In accordance with Section 14 of the CPSA, manufacturers would have to issue a GCC for each ATV model, certifying that the model complies with the proposed rule. According to Section 14 of the CPSA, GCCs must be based on a test of each product, or a reasonable testing program; and GCCs must be provided to all distributors or retailers of the product. The manufacturer would have to comply with 16 CFR part 1110 concerning the content of the GCC, retention of the associated records, and any other applicable requirement.

1. Impact on Small Manufacturers

Because modifications in Sections 1 through 11 consist primarily of editorial

³ The ATV Action Plan Requirement is found in section 42 of the CPSA, 15 U.S.C. 2089. A list of firms with active ATV Action Plans can be found at [ATV Action Plans | CPSC.gov](https://www.cpsc.gov/ATVActionPlans).

updates and clarifications to the existing voluntary standards, staff assesses that manufacturer costs to comply with these modifications are insignificant.

Manufacturers will incur testing costs to comply with Section 12 of the revised standard, which sets forth a one-time design qualification that requires the identification and testing of ATV surfaces that come into continuous, intermittent, momentary, and incidental contact with the vehicle occupant and passengers. Those manufacturers whose models do not meet the performance requirement will incur costs associated with model reconfiguration or redesign.

Manufacturers will also incur testing costs to comply with Section 13 of the revised standard which contains several one-time design qualifications and production part inspection tests related to ATV fuel systems.

For ATVs that already meet the performance requirements of Section 12 and 13, the cost to manufacturers is limited to the cost of testing. The Commission estimates that one-time design qualification inspection tests would cost approximately \$12,096 per model. To comply with new Sections 13.3 (Fuel Tank Immersion Leak Test) and 13.4 (Fuel Filter and Shut-off Valve Immersion Leak Test), manufacturers will incur costs associated with testing each production part; CPSC estimates that the cost of production part testing is approximately \$20.00 per vehicle.

Manufacturers whose ATV models do not meet the performance requirements of Sections 12 and 13 may incur additional costs associated with sourcing compliant—likely more expensive—parts that were previously tested by the parts manufacturer/supplier. These costs are expected to be approximately \$20.00 per vehicle, some of which may be borne by the parts supplier. ATV models which do not meet Sections 12, 13.8 (Fuel Tank Production Envelope Analysis), or 13.9 (Fuel Line Integrity) requirements may require reconfiguration or redesign, which CPSC estimates would cost approximately \$70,000 per model.

The Commission generally assesses a draft proposed rule to have a significant adverse economic impact if a firm's costs to comply exceed 1 percent of the firm's annual sales revenue. Because, as noted above, none of the 14 identified ATV manufacturers meet the SBA criteria to be considered a small business, CPSC preliminarily assesses that the draft proposed rule requiring compliance with ANSI/SVIA 1–2023 will not have a significant economic impact on any small ATV manufacturers, since none was identified. Staff seeks information on

any other ATV manufacturers that may meet the SBA criteria to be considered small businesses.

2. Impact on Small Importers

Foreign manufacturers whose models do not meet the ANSI/SVIA 1–2023 performance requirements may choose to exit the U.S. ATV market. An importer whose foreign manufacturer exited the market, and was unable to procure an alternative source, would likely suffer a significant, adverse economic impact. However, given that ATV sales volume has been stable over the last 5 years, and grew by approximately 5 percent in 2020 (the last year for which CPSC has data), it is unlikely that foreign ATV manufacturers will exit the market. Therefore, CPSC preliminarily concludes that the draft proposed rule will not have a significant, adverse economic impact on ATV importers.

If a foreign manufacturer chooses not to conduct the required testing and/or provide the documentation necessary to support the issuance a GCC, importers of that manufacturer's products may choose to conduct and document compliance testing, incurring the associated costs. For importers whose costs exceed 1 percent of the firm's annual ATV revenues, the effect would be considered significant. Of the 14 small importers identified by staff, only 7 could be found in the 2020 ATV market sales data.⁴ Staff estimates that 4 of these 7 small importers would face a significant, adverse economic impact as a result of the proposed rule. However, as noted above, CPSC considers this scenario unlikely.

3. Alternatives to the Draft Proposed Rule

An effective date later than September 1, 2024, could reduce manufacturers' costs of compliance and/or allow manufacturers to spread those costs over a longer period of time. However, an effective date of September 1, 2024 allows manufacturers approximately 17 months from the publication of ANSI/SVIA 1–2023 to comply with its requirements, which the Commission

preliminarily considers reasonable, feasible, and adequate as explained above.

For these reasons, any cost savings that might accrue to manufacturers if a later effective date were adopted are likely to be insignificant. Delaying implementation of the rule would allow continued manufacture and importation of non-compliant models for a longer period of time, expose a greater number of consumers to ATV fire and burn hazards, and increase associated societal costs. Therefore, the Commission is not proposing this alternative.

The Commission preliminarily concludes that the draft proposed rule will not have a significant, negative economic impact on a substantial number of small entities and requests comments with data supporting or refuting whether the Commission could certify to that effect.

IV. The Proposed Rule

The proposed rule would revise 16 CFR 1420.1 and 1420.3. Consistent with current requirements, the revised language states that new assembled or unassembled ATVs manufactured before September 1, 2024, must comply with ANSI/SVIA 1–2017. Any new assembled or unassembled ATVs manufactured on or after September 1, 2024 must comply with ANSI/SVIA 1–2023. The revision also removes extraneous references to past effective dates.

V. Paperwork Reduction Act

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth—

- a title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;

- an estimate of the burden that shall result from the collection of information; and

- notice that comments may be submitted to the OMB.

Title: Notice of Proposed Rulemaking (NPR) to Amend the All-Terrain Vehicle (ATV) Standard.

Summary and Description: The proposed rule amends the ATV standard to mandate industry compliance with ANSI/SVIA 1–2023, *American National Standard for Four Wheel All-Terrain Vehicles*. The proposed rule would require ATVs to comply with ANSI/SVIA 1–2023, including certification testing in support of GCCs required by Section 14 of the Consumer Product Safety Act, 15 U.S.C. 2063.⁵ GCCs must comply with 16 CFR part 1110 concerning the content of the GCC, retention of the associated records, and any other applicable requirement. ANSI/SVIA 1–2023 Sections 4. Vehicle (ATV) Configuration and Equipment, 5. Maximum Speed Capability, 7. Service Brake Performance, 8. Parking, 9. Pitch Stability, 11. Sound Level Limits, 12. Hot Surfaces, and 13. Fuel Systems Requirements contain certification testing requirements. These recordkeeping requirements, as well as the preparation of the GCC itself, fall within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3). PRA requirements such as labels, hang tags, and instruction manuals, which are unchanged from the previous version of the standard, SVIA 1–2017, are not included in this analysis.

Description of Respondents: Entities which manufacture or import ATVs.

Estimated Burden: We estimate the total burden of this collection of information is 441 hours and \$16,229. Table 1, below, summarizes our estimation of annual reporting burden hours and cost.

⁵ Section 14(a)(3)(A) of the CPSA states that the third-party testing requirement applies to any children's product manufactured more than 90 days after the Commission has established and published a “notice of requirements” for the accreditation of third-party conformity assessment bodies to assess conformity with a children's product safety rule.

⁴ Source: Power Products Marketing, Prairie Eden, MN, 2021.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Burden type	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours	Annual cost
Labor Burden						
GCC Preparation	38	1	38	1.5	57	\$2,098
One-Time Design Qualification Testing	25	1.9	48	8	384	14,131
Total Burden					441	16,229

Comments: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), CPSC has submitted the information collection requirements of this proposed rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by September 25, 2023 to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this document).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- The accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, utility, and clarity of the information to be collected;
- Ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- The estimated burden hours associated with producing the GCC and the certification testing required to support the GCC.

A. GCC Preparation

Section 14 of the Consumer Product Safety Act requires manufacturers and importers of ATVs to prepare GCCs. Based on current ATV action plans filed with the CPSC, there are 38 entities that supply, or intend to supply ATVs to the U.S. market. CPSC staff found evidence of ATV sales activity, in the form of actual sales or advertisement for sale, for only 32 of the 38 entities. Nevertheless, taking a conservative approach, CPSC staff assumed that all 38 entities are currently supplying ATVs to the U.S. market and used this number to calculate the burden hours and annual cost associated with GCCs. ATV manufacturers typically produce one GCC that covers all the models of a model year, which implies the number

of PRA responses is one per entity, per year. CPSC conservatively estimates the time required to produce this GCC is about 1.5 hours per year (although in most cases the actual time required will likely be significantly lower). Therefore, the estimated burden associated with GCCs is 57 hours (38 entities × 1 GCC per year × 1.5 hours per GCC = 57 hours). CPSC staff multiplied the estimated number of burden hours by \$36.80,⁶ the total hourly compensation for sales and office workers in goods-producing private industries, to generate the estimated annual cost to industry associated with GCCs. Therefore, the estimated annual cost to industry associated with preparation of the GCCs is \$2,097.60 (\$36.80 per hour × 57 hours = \$2,097.60).

B. Recordkeeping Supporting GCC Preparation

In the event a foreign manufacturer chooses not to conduct required certification testing and/or provide documentation to support preparation of the GCC, its importer could choose to conduct its own certification testing. However, CPSC considers this scenario unlikely, and for several of the importers, cost prohibitive. Therefore, the Commission assumes entities conducting certification testing and associated recordkeeping are limited to ATV manufacturers. Based on 2020 sales data, there were 25 known U.S. and foreign manufacturers supplying as many as 239 new and old ATV models and 420,730 ATVs to the U.S. market.⁷

CPSC estimates the average life cycle of an ATV model is approximately 5 years, which implies each manufacturer will conduct one-time design qualification testing on approximately 1.6 models per year (239 models ÷ 25 entities ÷ 5 years ≈ 1.9 models per entity per year). CPSC staff estimates the time required to create and maintain

certification records to be approximately 8 person hours per model.⁸ Therefore, the estimated labor burden associated with certification testing recordkeeping is 384 person hours (25 entities × 1.9 ATV models per year × 8 person hours per model = 384 person hours). As above, staff multiplied the estimated number of burden hours by \$36.80, the total hourly compensation for sales and office workers in goods-producing private industries. The estimated annual cost to industry associated with certification testing recordkeeping is \$14,131 (\$36.80 per person hour × 384 person hours = \$14,131).

C. Summary of Burden Hours and Cost

Based on this analysis, the proposed rule for ATVs would impose an annual burden to industry of approximately 441 hours per year (57 for preparation of the GCC and 384 hours for recordkeeping associated with the certification tests upon which the GCCs are based). The estimated annual cost is approximately \$16,229 (\$2,098 and \$14,131 for GCC preparation and certification testing recordkeeping, respectively).

The above estimates are a conservative estimate of the average annual burden to ATV entities. The proposed rule requires all ATVs manufactured on or after September 1, 2024, to comply with ANSI/SVIA 1–2023. Therefore, in the first year following promulgation of the rule, existing entities may be required to redesign and test more than the estimated average 48 models per year and incur higher costs than the estimates in this PRA analysis. In subsequent years, costs could be less, as fewer numbers of ATV models will require design updates. To the extent that the ATV industry already complies, or substantially complies, with the ANSI/SVIA 1–2023 standard, these figures may over-estimate the actual burden.

⁶ U.S. Bureau of Labor Statistics, "Table 4. Employer Costs for Employee Compensation for private industry workers by occupational and industry group," updated March 17, 2023, Table 4. Private industry workers by occupational and industry group—2022 Q04 Results (*bls.gov*).

⁷ Source: Power Products Marketing, Prairie Eden, MN, 2021.

⁸ This estimate includes recordkeeping hours associated with individual parts testing required by ANSI/SVIA 1–2023, Sections 13.3 (Fuel Tank Immersion Leak Test) and 13.4 (Fuel Filter and Shut-off Valve Immersion Leak Test, allocated per model, as well as recordkeeping hours associated with one-time design qualification testing.

VI. Environmental Considerations

The Commission's regulations provide a categorical exemption for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement as they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c)(1). This proposed amendment falls within the categorical exemption.

VII. Incorporation by Reference

The Commission proposes to incorporate by reference those provisions of ANSI/SVIA 1–2023 that it has concluded are related to the safe operation of ATVs, which encompass all provisions other than Section 4.21 concerning the provision of paper user manuals. The Office of the **Federal Register** (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. For a proposed rule, agencies must discuss in the preamble to the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble to the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section II of this preamble summarizes the provisions of ANSI/SVIA 1–2023 that the Commission proposes to incorporate by reference. ANSI/SVIA 1–2023 is copyrighted. Interested persons may purchase a copy of ANSI/SVIA 1–2023 from Specialty Vehicle Institute of America, 2 Jenner, Suite 150, Irvine, CA 92618–3806; telephone: 949–727–3727 ext. 3023; www.svia.org. In addition, a read-only copy of the standard is available for viewing on the SVIA website at <https://svia.org/ansi-svia-1-2023/>. You may also inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: (301) 504–7479, email: cpsc-os@cpsc.gov.

VIII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that when a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a standard or regulation that prescribes requirements for the performance, composition, contents, design, finish, construction, packaging, or labeling of such product dealing with the same risk of injury unless the state requirement is

identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 42 of the CPSA refers to the rules to be issued under that section as "consumer product safety standards." Therefore, the preemption provision of section 26(a) of the CPSA would apply to this proposed rule.

IX. Notice of Requirements

The CPSA establishes certain requirements for product certification and testing. Certification of children's products subject to a children's product safety rule must be based on testing conducted by a CPSC-accepted third-party conformity assessment body. 15 U.S.C. 2063(a)(2). The Commission is required to publish a notice of requirements (NOR) for the accreditation of third-party conformity assessment bodies to assess conformity with a children's product safety rule to which a children's product is subject. *Id.* 2063(a)(3). On August 27, 2010, the Commission published an NOR for accreditation of third-party conformity assessment bodies for testing ATVs designed or intended primarily for children 12 years of age or younger. 75 FR 52616. Because the revisions to the 2017 edition of the ANSI/SVIA standard would not substantially alter third-party conformance testing requirements for ATVs designed or intended primarily for children 12 years of age or younger, the current NOR for third-party testing of youth ATVs will remain unchanged. Thus, the Commission considers the existing accreditations that the Commission has accepted for testing to the 2017 ATV standard would also cover testing of children's products to the revised ATV standard.

X. Request for Comments

This NPR begins a rulemaking proceeding under section 42 of the CPSA to amend the Commission's mandatory ATV standard to reference the 2023 edition of the ANSI/SVIA standard. We invite all interested persons to submit comments on any aspect of this proposal, including whether any of the changes to the standard (summarized in Tab A of the Staff's NPR Briefing Package) are substantive changes and whether they improve or do not improve the safety of ATVs. In particular, as noted previously, we invite comment as to the standard's proposed change to format in which an owner's manual must be provided and as to the proposed effective date. We also invite comments

on the estimated burden of the recordkeeping associated with issuing a GCC for ATVs as required by 16 CFR part 1110, discussed in Section VI, above. In addition, we request comments on the effect on safety of the removal of the 10 PSI maximum recommended tire pressure. In particular, we invite comments on the anticipated effect on safety if ATV tires exceed 10 psi. Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects in 16 CFR Parts 1420

Consumer protection, Imports, Incorporation by reference, Infants and children, Information, Labeling, Law enforcement, Recreation and recreation areas, Reporting and recordkeeping requirements, Safety.

For the reasons stated in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations, as follows:

PART 1420—REQUIREMENTS FOR ALL-TERRAIN VEHICLES

■ 1. The authority citation for part 1420 is changed to read as follows:

Authority: 15 U.S.C. 2089.

■ 2. Revise § 1420.1 to read as follows:

§ 1420.1 Scope and application.

This part 1420, a consumer product safety standard, prescribes requirements for all terrain vehicles.

■ 3. Revise § 1420.3 to read as follows:

§ 1420.3 Requirements for four-wheel ATVs.

Each new assembled or unassembled ATV manufactured before September 1, 2024, shall comply with all applicable provisions of the American National Standard for Four-Wheel All-Terrain Vehicles (ANSI/SVIA 1–2017), approved on June 8, 2017. Each new assembled or unassembled ATV manufactured on or after September 1, 2024, shall comply with all applicable provisions of the American National Standard for Four-Wheel All-Terrain Vehicles (ANSI/SVIA 1–2023), approved on March 21, 2023 with the exception of Section 4.21 Owner's Manual, as to which it shall continue to comply with the ANSI/SVIA 1–2017 standard. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of these standards from Specialty Vehicle Institute of America, 2 Jenner, Suite 150, Irvine, CA 92618–3806; telephone: 949–727–3727 ext. 3023; www.svia.org. In addition, a read-

only copy of the 2023 standard is available for viewing on the SVIA website at <https://svia.org/ansi-svia-1-2023/>. This material is available for inspection at the Consumer Product Safety Commission and the National Archives and Records Administration (NARA). Contact Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone: (301) 504-7479. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email: fr.inspection@nara.gov.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2023-15478 Filed 7-26-23; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA-2023-F-2415]

Kemin Industries, Inc.; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Kemin Industries, Inc., proposing that the food additive regulations be amended to provide for the safe use of chromium propionate to be used as a source of chromium in turkey feed.

DATES: The food additive petition was filed on July 6, 2023.

ADDRESSES: For access to the docket to read background documents or 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.

FOR FURTHER INFORMATION CONTACT: Wasima Wahid, Center for Veterinary Medicine (HFV-221), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-402-5857, Wasima.Wahid@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under section 409(b)(5) of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 348(b)(5)), we are giving notice that we have filed a food additive petition (FAP 2318), submitted by Kemin Industries, Inc., 1900 Scott Ave., Des Moines, IA 50317. The petition proposes to amend in 21 CFR part 573—Food Additives Permitted in Feed and Drinking Water of Animals to provide for the safe use of chromium propionate to be used as a source of chromium in turkey feed.

We are reviewing the potential environmental impact of this petition. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.5(e)), we are placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Staff (see **ADDRESSES**) for public review and comment.

We will also place on public display, in the Dockets Management Staff and at <https://www.regulations.gov>, any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on our review, we find that an environmental impact statement is not required, and this petition results in a regulation, we will publish the notice of availability of our finding of no significant impact and the evidence supporting that finding with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: July 24, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023-15913 Filed 7-26-23; 8:45 am]

BILLING CODE 4164-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2023-0203; FRL-10757-01-R9]

Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan; San Francisco Bay Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing under the Clean Air Act (CAA or "Act") to approve a revision to the San Francisco Bay Area portion of the California State Implementation Plan (SIP). This

revision consists of updated transportation conformity procedures related to the interagency coordination on project-level conformity and exchange of travel data for emissions inventories developed for air quality plans and regional transportation conformity analyses. The intended effect is to update the transportation conformity criteria and procedures in the California SIP.

DATES: Comments must be received on or before August 28, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2023-0203 at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.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 a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Michael Dorantes, Geographic Strategies and Modeling Section (AIR-2-2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3934, or by email at dorantes.michael@epa.gov.

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

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I. Transportation Conformity

Transportation conformity is required under section 176(c) of the CAA to ensure that federally supported highway, transit projects, and other activities are consistent with (“conform to”) the purpose of the SIP. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards (NAAQS). Transportation conformity currently applies to areas that are designated nonattainment, and to areas that have been redesignated to attainment after 1990 (maintenance areas) with plans developed under section 175A of the Act. This applies for the following transportation-related criteria pollutants: ozone, fine and coarse particulate matter (PM_{2.5} and PM₁₀), carbon monoxide (CO), and nitrogen dioxide (NO₂), as well as criteria pollutant precursors. The transportation conformity regulation is found in 40 CFR part 93 and provisions related to conformity SIPs are found in 40 CFR 51.390.

On November 24, 1993, the EPA promulgated the federal transportation conformity criteria and procedures (“conformity rule”). Among other things, the conformity rule required states to address all of its provision in their SIPs (“conformity SIPs”).¹ The requirements were subsequently revised on August 10, 2005, when the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA–LU) was signed into law. SAFETEA–LU revised section 176(c) of the CAA’s transportation conformity provisions. One of the changes streamlined the requirements for conformity SIPs. Under SAFETEA–LU, states are required to address and tailor only three sections of the conformity rule in their conformity SIPs: 40 CFR 93.105, 40 CFR 93.122(a)(4)(ii), and 40 CFR 93.125(c). These sections address consultation procedures (40 CFR 93.105); written commitments to control measures that are not included in a metropolitan planning organization’s (MPO’s) transportation plan and transportation improvement program that must be obtained prior to a conformity determination, and the requirement that such commitments, when they exist, must be fulfilled (40 CFR 93.122(a)(4)(ii)); and written commitments to mitigation measures

that must be obtained prior to a project-level conformity determination, and the requirement that project sponsors must comply with such commitments, when they exist (40 CFR 93.125(c)). In general, states are no longer required to submit conformity SIP revisions that address the other sections of the conformity rule but may elect to include any other provision of 40 CFR part 93, subpart A.² These changes took effect when SAFETEA–LU was signed into law.

II. Background and State Submittal

For transportation planning purposes, the San Francisco Bay Area is defined as the nine California counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Transportation planning in the San Francisco Bay Area is conducted by the Metropolitan Transportation Commission (MTC).³ As the San Francisco Bay Area MPO, the MTC develops regional transportation plans and transportation improvement plans for the area. By contrast, for air quality planning purposes, the San Francisco Bay Area is defined as all the same counties, except the eastern portion of Solano County and the northern half of Sonoma County are excluded. This planning area is designated as nonattainment for several 8-hour ozone NAAQS and for the 2006 PM_{2.5} standard.⁴ A portion of the San Francisco Bay Area, referred to as “urbanized areas,” was redesignated from nonattainment to attainment for the CO NAAQS in 1998. The areas within the San Francisco Bay Area, but outside the “urbanized areas,” were designated as unclassifiable/attainment for the CO NAAQS. The San Francisco Bay Area is considered unclassifiable/attainment for the other NAAQS.⁵

On December 16, 1996, the Governor’s designee for SIP submittals, the California Air Resources Board (CARB), submitted “The San Francisco Bay Area Transportation Air Quality Conformity Protocol—Conformity Procedures” and “The San Francisco Bay Area Transportation Air Quality Conformity Protocol—Interagency Consultation Procedures,” together referred to as the “San Francisco Bay Area conformity SIP submittal” to the EPA. The EPA approved the San Francisco Bay Area conformity SIP submittal on October 21, 1997.⁶

² 40 CFR 51.390(b).

³ California Government Code section 66500 *et seq.*

⁴ 40 CFR 81.305.

⁵ *Id.*

⁶ 62 FR 54587 (October 21, 1997).

Following SAFETEA–LU’s enactment in 2005, the co-lead agencies for air quality planning in the San Francisco Bay Area, *i.e.*, Bay Area Air Quality Management District (BAAQMD), the MTC, and Association of Bay Area Governments (ABAG), revised the San Francisco Bay Area conformity SIP to reflect the SAFETEA–LU changes and to clarify interagency consultation procedures. The revisions, referred to as the Transportation Air Quality Conformity Protocol, were adopted by the BAAQMD Board of Directors on July 19, 2006, by the ABAG Executive Board on July 20, 2006, and by the MTC on July 26, 2006. The MTC subsequently sent the transportation conformity protocol to CARB. On December 20, 2006, CARB adopted the transportation conformity protocol as a revision to the California SIP and submitted the protocol to the EPA for approval. The EPA approved the SIP revision on October 12, 2007.⁷

The eastern portion of Solano County is in the Sacramento Metropolitan air quality planning area, which is also designated nonattainment for the same 8-hour ozone and PM_{2.5} NAAQS as the San Francisco Bay Area. For the Sacramento Metropolitan area, transportation planning is conducted by the Sacramento Area Council of Governments (SACOG).

Effective May 12, 1994, the MTC and SACOG entered into the original “Memorandum of Understanding between the Metropolitan Transportation Commission and the Sacramento Area Council of Governments” to establish an agreement regarding Federal conformity procedures and programming of Federal Congestion Mitigation and Air Quality (CMAQ) funds in Solano County. The MTC and SACOG then amended the original Memorandum of Understanding (MOU) in 2004 to provide clarity regarding their responsibilities during a conformity lapse.

The MTC and SACOG updated the Memorandum of Understanding between the two agencies (“revised MTC–SACOG MOU” or “revised MOU”) again in 2018. The MTC approved resolution No. 2611, Revised, on July 6, 2018, and MTC’s and SACOG’s executive directors executed the MOU on September 11, 2018.⁸ To provide further clarification regarding the updated coordination between the MTC and SACOG, the BAAQMD, the

⁷ 72 FR 58013 (October 12, 2007).

⁸ Metropolitan Transportation Commission Resolution No. 2611, Revised, MTC/Sacramento Area Council of Governments (SACOG) Memorandum of Understanding (MOU) for Air Quality Planning in Eastern Solano County.

¹ 58 FR 62188 (November 24, 1993).

MTC, and ABAG proposed further revisions to the San Francisco Bay Area Transportation Air Quality Conformity Protocol (“revised transportation conformity protocol” or “revised protocol”). On February 26, 2020, MTC adopted a resolution approving the revisions.⁹ Following the MTC’s adoption of the resolution, the BAAQMD adopted the revisions on March 4, 2020,¹⁰ and ABAG adopted the revisions on April 23, 2020.¹¹ The BAAQMD then submitted the revisions to CARB for approval on June 11, 2020.¹² CARB subsequently adopted the revised protocol on May 6, 2021,¹³ and submitted it to the EPA for approval on May 17, 2021.¹⁴

The most recent revision to the transportation conformity protocol supersedes the 2006 revision and is the subject of this proposed action. The revised protocol largely retains the content of the previous protocol adopted in 2006 but contains revisions explicitly reflecting the revised MOU language along with some other content changes. A notable revision is the addition of a new standalone section (“Section X”), entitled “Addressing Activities and Emissions that Cross MPO Boundaries.” Section X retains relevant text from the previous transportation conformity protocol and references revisions made within the revised MTC–SACOG MOU that clarify MTC and SACOG roles and

responsibilities related to updated Federal transportation air quality requirements. These address the responsibilities related to the programming of Federal CMAQ funds, coordination between the MTC and SACOG when exchanging travel data for emissions inventories, and coordination between the MTC and SACOG when conducting project-level and regional conformity, including procedures to follow in the event of a conformity lapse and considerations for new PM_{2.5} hot-spot analysis requirements.

The updated SIP revision that CARB submitted to the EPA consisted of the revised transportation conformity protocol, as well as documents from the MTC, ABAG, the BAAQMD, and CARB adopting the revisions. In November 2019, the BAAQMD and ABAG delegated authority to the MTC to conduct a public hearing on the proposed conformity protocol.¹⁵ The MTC provided notice of a 30-day public comment period beginning on December 27, 2019,¹⁶ and held a public hearing on January 10, 2020, on the revised protocol.¹⁷ The MTC received no comments other than a suggested non-substantive edit from the EPA.

III. The EPA’s Evaluation

We have reviewed the submittal to ensure consistency with the Clean Air Act and with EPA regulations (40 CFR part 93 and 40 CFR 51.390) governing state procedures for transportation conformity and interagency consultation and have concluded that the submittal is approvable. The public comment period and hearing the MTC held for this SIP revision satisfies the requirements of CAA section 110(l) and 40 CFR 51.102. Additional details of our review are set forth in a technical support document (TSD), which has been included in the docket for this proposed rulemaking. Specifically, in our TSD, we identify how the submitted procedures satisfy our requirements under 40 CFR 93.105 for interagency consultation with respect to the development of transportation plans and programs, SIPs, and conformity

determinations, the resolution of conflicts, the provision of adequate public consultation, and our requirements under 40 CFR 93.122(a)(4)(ii) and 93.125(c) for enforceability of control measures and mitigation measures.

IV. Summary of Our Proposed Action

In accordance with section 110(k) of the Act, and for the reasons set forth in Section III of this document, the EPA is proposing to approve the “San Francisco Bay Area Air Quality Conformity Protocol—Conformity Procedures and Interagency Consultation Procedures” as a revision to the California SIP.

If we finalize our action as proposed, the revised protocol adopted by the BAAQMD on March 4, 2020, by ABAG on April 23, 2020, and by the MTC February 26, 2020, then adopted on May 6, 2021, and submitted to the EPA on May 17, 2021 by CARB, will be incorporated into the San Francisco Bay Area portion of the California SIP, and thereby replace the previous version of the revised protocol approved on October 11, 2007.

The EPA is soliciting public comments on the issues discussed in this document. We will accept comments from the public on this proposal until August 28, 2023, and will consider comments before taking final action.

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 proposed 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 proposed 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 14094 (88 FR 21879, April 11, 2023);
- 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

⁹ Metropolitan Transportation Commission Resolution No. 3757, “Re: Approval of San Francisco Bay Area Transportation Air Quality Conformity Protocol,” February 26, 2020.

¹⁰ BAAQMD Board of Directors Regular Meeting Agenda Item #6 and BAAQMD Board of Directors Regular Meeting Approved Minutes, March 4, 2020.

¹¹ ABAG Executive Board Resolution No. 04–2020, “Authorizing Approval of Proposed Final San Francisco Bay Area Transportation Air Quality Conformity Protocol and Interagency Consultation Procedures,” April 23, 2020.

¹² Letter from Jack P. Broadbent, Executive Officer and Air Pollution Control Officer, BAAQMD, to Richard Corey, Executive Officer, CARB. Re: San Francisco Bay Area State Implementation Plan Amended Transportation Air Quality Conformity Protocol (Dated June 11, 2020).

¹³ CARB Executive Order R–20–005, “Approval of the Amended San Francisco Bay Area Transportation Air Quality Conformity Protocol as a Revision to the California State Implementation Plan,” approved May 6, 2021.

¹⁴ In addition to other supporting documents, the submittal package included the following documents: “San Francisco Bay Area Transportation Air Quality Conformity Protocol, Revised: February 26, 2020; Amended and Restated Memorandum of Understanding Between The Metropolitan Transportation Commission and The Sacramento Area Council of Governments, (September 11, 2018); Letter dated May 6, 2021, (submitted electronically May 17, 2021), from Richard W. Corey, Executive Officer, CARB, to Deborah Jordan, Acting Regional Administrator, EPA Region IX, Subject: “San Francisco Bay Area State Implementation Plan Amended Transportation Air Quality Conformity Protocol.”

¹⁵ Letter from Jack P. Broadbent, Executive Officer and Air Pollution Control Officer, BAAQMD, to Richard Corey, Executive Officer, CARB. Re: San Francisco Bay Area State Implementation Plan Amended Transportation Air Quality Conformity Protocol (Dated June 11, 2020).

¹⁶ Metropolitan Transportation Commission Notice of Public Hearing: “Draft Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution No. 3757 Revised).”

¹⁷ Metropolitan Transportation Commission, Planning Committee, “Public Hearing: MTC Resolution No. 3757, Revised: Draft Bay Area Transportation Air Quality Conformity Protocol,” January 10, 2020.

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it proposes to approve a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- 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.

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

The air agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the proposed 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 proposed 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.

In addition, 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. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: July 17, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023–15498 Filed 7–26–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 98

Request for Information: Meeting the Child Care Needs in Tribal Nations

AGENCY: Office of Child Care (OCC), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The Office of Child Care invites public comment on the rules and regulations of the Tribally administered Child Care and Development Fund (CCDF) program as part of the Administration for Children and Families’ (ACF) commitment to creating partnerships with Tribal Nations to identify and implement solutions that transcend traditional program boundaries. As part of that commitment, OCC seeks input on the requirements, regulations, and processes for Tribal Nations that administer CCDF. This Request for Information (RFI) specifically seeks public comment on the following topics of the Tribal child care program—CCDF Funding Policies for Tribes, CCDF Administration, Improving Families’ Access to Child

Care, and Increasing Child Care Supply in Tribal Communities—but input on any aspect of the Tribally administered CCDF program is welcome. OCC will host a Tribal consultation during the RFI public comment period.

DATES: To be considered, public comments must be received electronically no later than January 2, 2024.

ADDRESSES: Public comments should be submitted online at <https://www.regulations.gov> or by email to OCCTribal@acf.hhs.gov. All submissions received must include the docket number ACF–2023–0004 for “Request for Information: Meeting the Child Care Needs in Tribal Nations.” All comments received are a part of the public record and will be posted for public viewing on <https://www.regulations.gov>, without change. That means all personal identifying information (such as name or address) will be publicly accessible. Please do not submit confidential information, or otherwise sensitive or protected information. We accept anonymous comments. If you wish to remain anonymous, enter “N/A” in the required fields.

FOR FURTHER INFORMATION CONTACT: Megan Campbell, Office of Child Care, 202–690–6499. Telecommunications Relay users may dial 711 first. Email inquiries to megan.campbell@acf.hhs.gov.

SUPPLEMENTARY INFORMATION:

Background

There are approximately half a million Native children under the age of 13 in the United States, and nearly half are below the age of five.¹ In fiscal year (FY) 2023, 265 Tribal Lead Agencies received CCDF grants totaling \$557 million toward Tribal child care. The Child Care and Development Block Grant (CCDBG) Act of 2014 (the Act), 42 U.S.C. 9857 *et seq.*, and the CCDF regulations (45 CFR part 98), which together govern CCDF, aim to promote families’ financial stability and foster healthy child development by helping families afford child care and improving the quality of child care for all children.

The Act does not explicitly apply most of its provisions to the Tribal program, so with some exceptions and within certain parameters, the Secretary of Health and Human Services (the Secretary) has the authority to

¹ Smith, L. and Rosen, S. (2022). Righting a wrong: Advancing equity in child care funding for American Indian & Alaska Native families. Washington, DC: Bipartisan Policy Center. https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2022/04/BPC-Tribal-Report_RV5.pdf.

determine many of the CCDF requirements for Tribal Lead Agencies. With this RFI, OCC is seeking public comment on whether existing CCDF requirements, regulations, and processes are appropriate for Tribal Nations to implement CCDF in a manner that best meets the needs of the children, families, and child care providers in their communities and that properly recognizes the principals of strong government-to-government relationships and Tribal sovereignty. We seek feedback on whether changes to rules and/or processes are needed to improve implementation of Tribal CCDF programs.

We recognize that any changes made to Tribal regulations or other requirements must be made with input and consultation from Tribal Nations and organizations that receive CCDF funding. This RFI is being issued with ACF's Principles for Working with Federally Recognized Tribes² in mind, including the promotion and sustainability of strong government-to-government relationships, Indian self-determination, Tribal sovereignty, and transparency in ACF's actions as public servants. This RFI is also aligned with President Biden's 2021 Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans;³ his Memorandums on Tribal Consultation and Strengthening Nation-to-Nation Relationships⁴ and Uniform Standards for Tribal Consultation;⁵ and Executive orders on Increasing Access to High-Quality Care and Supporting Caregivers,⁶ and Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,⁷ and Further Advancing Racial Equity and Support for

Underserved Communities through the Federal Government.⁸ In the Executive order on Increasing Access to High-Quality Care and Supporting Caregivers, President Biden specifically calls for, "removing barriers and providing the funding needed for Tribal Nations to effectively provide high-quality child care and long-term care"⁹ and calls on the Secretary to, "review existing policies to identify opportunities—including among Tribal communities—to increase the capacity of community care entities by providing operational support to these networks of providers."⁹

What We Are Looking for in Public Comments

Through this RFI, the OCC is seeking input from Tribal leaders, Tribal program administrators, and others who are impacted directly by the Tribal CCDF requirements. We also welcome input from service providers, current federal and non-federal technical assistance providers, national organizations, researchers, philanthropy, families, and community members.

Responses to this RFI will inform ongoing and future efforts to improve the ways in which the OCC administers the CCDF Tribal program, including potential regulatory changes, to meet the needs of children, families, and communities within Tribal Nations. This RFI is for information and planning purposes only and should not be construed as a solicitation for applications or as an obligation on the part of ACF or HHS. We also note that changes in policy requiring revisions to statute or regulations will require further appropriate processes to effectuate, which may entail Congressional action or rulemaking procedures.

We recommend that respondents address the questions listed below, but input on any aspect of the Tribally administered CCDF program is welcome. Commenters do not need to address every question and should focus on those where commenters have relevant expertise or experience. Commenters should identify the question to which they are responding by indicating the corresponding letter and number(s). We request commenters who identify barriers or policies to indicate the source/level (e.g., federal, state, local) of the barrier or policy, as

well as the types of child care providers (e.g., centers, family child care homes) that are impacted.

CCDF Funding Policies for Tribes

A. Triennial Child Count and Service Area

OCC seeks public comment on the CCDF rules and regulations related to the triennial child count and defined service area. Every three years as part of the triennial plan submission, Tribal Lead Agencies submit the number of children that will be counted as the basis for funding formulas, as well as their definition of Indian Child and Indian Reservation or Service Area (otherwise referred to as the "child count" (45 CFR 98.81(b)(4)) to receive CCDF funds. Tribal Lead Agencies have flexibility to determine the methodology and data sources used for their child count. Additional information about these requirements can be found in the Child Count and Tribal Early Learning Initiative (TELI) Program Instructions (CCDF-ACF-PI-2022-03).

Regulations allow Tribal Lead Agencies to include children from other Tribes in their count, provided they are from federally recognized Tribes and there is no duplication in counts across overlapping or neighboring service areas, which are on or near a reservation (except Tribes in Alaska, California, and Oklahoma) (45 CFR 98.80(e)). CCDF requires the service area to be "on or near" a reservation, and OCC has specified through the above-referenced policy guidance that "on or near" refers to a geographic proximity to the borders of a tribe's reservation.

A tribe with fewer than 50 children under age 13 may participate in a consortium of eligible Tribes if the consortium demonstrates authorization from each participating tribe, including a letter for each participating tribe that the consortia can act and receive funding on their behalf (45 CFR 98.80(c)). This demonstration is required initially and every three years.

Request for Information

A1. Child Count

OCC seeks input on whether the current requirements for the triennial child count work well for Tribal Lead Agencies and if there are changes to the child count requirements that would better support the implementation of Tribal CCDF programs. We also request input on what changes to child care rules, guidance, and/or the role of the federal office, if any, would enable a fair and equitable child count process for all Tribal Nations.

² Administration for Children and Families (ACF) Principles for Working with Federally Recognized Tribes https://www.acf.hhs.gov/sites/default/files/documents/revise_acf_principles_032317.pdf?nocache=1490367914num;:text=ACF%20establishes%20these%20principles%20in,professionalism%2C%20integrity%2C%20and%20stewardship.

³ Executive Order 14049. October 11, 2021. <https://www.govinfo.gov/content/pkg/DCPD-202100841/pdf/DCPD-202100841.pdf>.

⁴ Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. January 26, 2021. <https://www.govinfo.gov/content/pkg/DCPD-202100091/pdf/DCPD-202100091.pdf>.

⁵ Memorandum on Uniform Standards for Tribal Consultation. November 3, 2022. <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>.

⁶ Executive Order 14095. April 18, 2023. <https://www.govinfo.gov/content/pkg/DCPD-202300309/pdf/DCPD-202300309.pdf>.

⁷ Executive Order 13985. January 20, 2021. <https://www.govinfo.gov/content/pkg/DCPD-202100054/pdf/DCPD-202100054.pdf>.

⁸ Executive Order 14091. February 16, 2023. <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

⁹ Executive Order 14095. April 18, 2023. <https://www.govinfo.gov/content/pkg/DCPD-202300309/pdf/DCPD-202300309.pdf>.

A2. Consortia

OCC seeks input on the current requirements for Tribal CCDF consortia, including whether there are barriers or challenges for identifying the methods or data sources for consortia child count. We also seek input on the benefits and/or burdens to how Tribes must demonstrate they authorize the consortium to receive funds and act on their behalf.

A3. Service Area

OCC seeks input on whether the definition or parameters of “service area” enables Tribal Lead Agencies to meet the child care needs for Native families in their area and whether and what changes to the requirements for defining service area would help ensure a fair and equitable process for all Tribal Nations.

B. Allocation Sizes

The preamble of the 2016 CCDF Final Rule established thresholds for the three categories of Tribal Lead Agencies based upon funding allocations, which have remained unchanged: small (less than \$250,000), medium (\$250,000 to \$1 million), or large (more than \$1 million) (FR 67536–6). While all Tribal Lead Agencies are subject to health and safety requirements and quality spending minimums, Tribal Lead Agencies with small allocations operate under a smaller number of CCDF requirements and complete an abbreviated CCDF plan compared to Tribes with medium and large allocation (45 CFR 98.81 & 98.83). These modified requirements are meant to account for implementation and structural variance that arise from a small award size and fewer services. Tribal Lead Agencies with medium and large allocations must meet more requirements, provide direct services, and complete a full CCDF plan.

Annual appropriations for Tribal Lead Agencies increased from \$137 million in FY 2017 to \$557 million in FY 2023. While the total amount allotted to Tribes has dramatically increased since the publication of the 2016 Final Rule, the allocation size thresholds have remained the same. We acknowledge that any changes to allocation size thresholds could have significant implications for Tribal Lead Agencies and their programming.

Request for Information

B. OCC seeks input on whether the current thresholds for Tribes with small, medium, and large allocations and the corresponding requirements are still appropriate or if changes are warranted. OCC is requesting information whether

and what changes in tiered requirements for each allocation size would better support the implementation of the CCDF program and better serve the needs of Tribal Nations.

C. Tribal CCDF Plan

Every three years, Tribal Lead Agencies are required to submit a CCDF plan as a condition to receive annual CCDF funds (45 CFR 98.17 & 98.81(a)). Prior to CCDF plan submission, OCC provides a CCDF plan preprint outlining the applicable regulations and requirements with instructions on how to address each plan item or question. OCC also provides training and technical assistance on how to develop and submit the triennial plan.

Request for Information

C. OCC seeks feedback on how the Tribal CCDF plan submission supports or interferes with implementation of the CCDF program. Does the three-year plan cycle process support implementation or create barriers or challenges? Is there anything specifically challenging or burdensome about drafting or creating the Tribal CCDF plan? Are changes to the Tribal plan needed to better support Tribal CCDF program administration? If so, how?

D. Discretionary Base Amount

Tribal Lead Agency CCDF allocations are based on a discretionary base amount set by the Secretary, as well as a discretionary and mandatory amount based on the number of children submitted in the child count (45 CFR 98.61(c) & 98.62(b) through (c)). The base amount is not subject to the administrative cost limitations nor the quality expenditure requirement discussed below and can be used on any allowable CCDF expenditure (45 CFR 98.83(h)). The discretionary base amount is not regulatory and was originally established in the preamble to the 1998 CCDF Final Rule (63 FR 39978) and was increased in the preamble to the 2016 Final Rule (81 FR 67544). Beginning in FY 2017, the base amount increased from \$20,000 to \$30,000 to account for inflation that eroded the value of the base amount since it was originally established in 1998.

Request for Information

D. OCC is seeking input on whether the current base amount for discretionary funds has created barriers, challenges, or worked well for Tribal Lead Agencies. We are interested to know whether a different base amount would better support the implementation of Tribal CCDF

programs and whether a change to the discretionary base amount would expand opportunity and access to child care services in Tribal Nations and their communities.

CCDF Administration

E. Early Childhood and Related Systems Coordination

CCDF Tribal Lead Agencies are required to coordinate services with other Tribal, federal, state, and/or local child care and early childhood development programs with agencies responsible for public health, employment services/workforce development, public education, the Temporary Assistance for Needy Families program (42 U.S.C. 601 *et seq.*), etc. at a minimum (45 CFR 98.82(b)). However, Tribes have indicated there are multiple challenges related to coordination of Tribal early childhood services, including conflicting requirements, difficulties in tracking funding separately, and lack of a cohesive vision.

Request for Information

E. OCC seeks input on what barriers interfere with Tribal Lead Agencies coordinating CCDF with other early childhood programs, like Head Start, preschool funds offered through state or local resources, and home visiting, as well as with other related programs like the Individuals with Disabilities Education Act Part C and Part B, Child and Adult Care Food Program and the Women, Infants, and Children program in a manner that supports Tribal program goals. OCC is specifically interested in the ways in which Tribes currently or would like to braid, blend, and layer funding from multiple early childhood federal funding streams in order to create culturally appropriate and high-quality early childhood settings and specific barriers to doing so.

F. Spending Requirements

CCDF regulations includes three types of set-asides for how funds must be spent. First, Tribal Lead Agencies with medium and large allocations must spend at least 70 percent of their discretionary CCDF funds (excepting the base amount) on direct services, which is based on total expenditures after reserving funds for quality and administration (45 CFR 98.50(f)(2) & 98.83(g)). The 70 percent minimum does not apply to Tribes with small allocation, which are not required to spend CCDF on direct services (45 CFR 98.83(f)). This minimum set-aside ensures CCDF is mainly spent on

helping parents afford child care, but OCC has heard concerns that it can be a barrier for some Tribal Nations to make needed child care system investments that, if unaddressed, limit families' ability to use child care assistance. Second, all Tribal Lead Agencies have a 15 percent cap on administrative expenditures (45 CFR 98.83(i)). All funds except those received through the discretionary base amount (\$30,000) are subject to this limitation. Third, CCDF requires all Tribal Lead Agencies to spend no less than nine percent of their total CCDF expenditures on quality improvement activities (45 CFR 98.50(b)(1) & 98.83(g)(1)). Tribes with medium and large allocation are required to spend an additional 3 percent on activities to improve the quality and supply of care for infants and toddlers (45 CFR 98.50(b)(2) & 98.83(g)(2)). While any Tribal Lead Agency can spend more than nine percent of their funds on quality activities, quality activities do not count toward direct services.

Request for Information

F1. Direct Services Minimum

OCC requests comment on whether the 70 percent direct service spending requirement for discretionary funds creates challenges for Tribal Lead Agencies and if there are alternative policies that would better meet Tribes' child care needs. We also seek feedback on whether any of the spending requirements (for direct services, quality activities, and/or administrative expenses) inhibit opportunities and access to child care and early learning services in Tribal Nations.

F2. Administrative Cap

OCC requests comment on whether the 15 percent administrative cap inhibits Tribal implementation of the CCDF program and if so, the changes that would facilitate the Tribal Lead Agency better meeting the purposes of the program.

F3. Quality Set-Aside

OCC requests comment on any barriers or challenges the quality set-aside may pose to Tribes implementing their child care program.

G. Construction and Major Renovation of Child Care Facilities

With approval from ACF, CCDF Tribal Lead Agencies may use CCDF funds for the construction and/or major renovation of child care facilities (45 CFR 98.84 (a)). Construction or major renovation funds must be set-aside from the Tribal Lead Agency's current grant year's CCDF allocation and must be

liquidated by the end of the second fiscal year following the fiscal year the grant is awarded (45 CFR 98.84(e)). This policy provides three years to fully liquidate funds. Funds set aside for construction or major renovation may also pay for a modular unit, including the costs of buying and installing the unit, if the unit is fixed to the land. A Tribal Lead Agency must demonstrate that adequate child care facilities are not otherwise available and that the lack of facilities will inhibit future program operations (45 CFR 98.84(b)). The Tribal Lead Agency must also show that after the construction or renovation is complete, either the level of direct child care services will increase or the quality of child care services will improve.

Tribes may use set-aside funds to construct or renovate a facility that services more than the CCDF program, however, a cost allocation plan that ensures proportionate cost sharing must be in place.

Request for Information

G. Please describe specific challenges or barriers Tribal Lead Agencies have experienced with the requirements for construction or major renovation. We seek feedback on CCDF rules for prioritizing, planning, developing, and/or building child care facilities. We also specifically seek input on barriers to building a facility that will serve more than the CCDF program, such as facilities jointly funded by Head Start and CCDF.

H. Obligation and Liquidation Deadlines

Tribal Lead Agencies must obligate, or legally commit, all funds by the end of the fiscal year (September 30th) following the fiscal year the funds were initially awarded (approximately two years) (45 CFR 98.60(e)(1)). Obligated funds must be liquidated within the next fiscal year (approximately three years) (45 CFR 98.60(e)(2)). Any funds that remain unobligated or unliquidated by these deadlines are returned to the Department of Treasury. Financial information regarding obligated and liquidated funds are reported through the ACF-696T form.¹⁰

We acknowledge the rapid influx of Tribal funding since 2017, in combination with these deadlines, created a burden for many Tribal Lead Agencies in spending funds within the time allotted. This led to many requests for extension of the obligation and liquidation periods through temporary fiscal waivers—including for COVID

supplemental funds, discretionary funds, or construction and major renovation funds—to allow more time to manage and spend down the multiple increased funding streams during a short window of time.

Request for Information

H. We seek input on whether the current obligation and liquidation deadlines have created barriers or challenges for implementation of CCDF programs by Tribal Lead Agencies.

I. Reporting Requirements

Tribal Lead Agencies that receive CCDF funds are required to submit an aggregate report (ACF-700 Tribal Annual Report¹¹) covering overall child care services provided and a financial report (ACF-696T Financial Reporting Form for Tribal CCDF Lead Agencies¹²) on expenditures issued under CCDF every year (45 CFR 98.65(i) & 98.70(c)). These forms are subject to the Paperwork Reduction Act, which includes designated periods for Tribal Lead Agencies and others to provide public comment. Tribal Lead Agencies will have additional opportunities to comment on any changes to these forms that may be proposed based on responses to the RFI.

Request for Information

I. OCC seeks input on CCDF reporting for Tribal Lead Agencies, including the ACF-700 and/or the ACF-696T forms. Please describe how they may create barriers or challenges for Tribal Lead Agencies and if the current reporting requirements align with Tribal data sovereignty. Please describe recommended changes, including other ways administrative and expenditure data can be collected and reported.

J. Quality Activities in Tribal Child Care

Tribal Lead Agencies receive CCDF funds to increase the quality of child care and childhood development programs and are required to report how their funds and policies support quality programming (45 CFR 98.53(a)). Quality activities could include, but are not limited to, training and professional development, improving early learning and development guidelines, or supporting health and safety practices. Tribal Lead Agencies also report how their payment rates to providers support quality, including cultural and

¹¹ CCDF-ACF-PI-2022-09. October 31, 2022. <https://www.acf.hhs.gov/occ/policy-guidance/ccdf-acf-pi-2022-09>.

¹⁰ CCDF-ACF-PI-2022-08. November 2, 2022. <https://www.acf.hhs.gov/occ/policy-guidance/ccdf-acf-pi-2022-08>.

¹² CCDF-ACF-PI-2022-08. November 2, 2022. <https://www.acf.hhs.gov/occ/policy-guidance/ccdf-acf-pi-2022-08>.

linguistic appropriateness (45 CFR 98.81(b)(5)).

Request for Information

J. Please describe the primary drivers of child care quality in Tribal communities or programs. OCC also seeks feedback on any barriers or challenges to improving quality as a result of CCDF program requirements.

K. Tribal and State Coordination of CCDF Programs

State CCDF programs may sometimes intersect with the administration of Tribal CCDF programs. Therefore, CCDF requires States to be proactive and timely in reaching out to the Tribal officials for collaboration and are required to describe how they consulted, collaborated, and coordinated with Tribes in their State Plans (45 CFR 98.16(e)). The CCDF regulations recognize the need for states to conduct formal, structured consultation with Tribal governments, including Tribal leadership (45 CFR 98.10(f)). Many states and Tribes have consultation policies and procedures in place. Tribal Lead Agencies are subject to health and safety as well as monitoring requirements for providers who receive CCDF funds (45 CFR 98.41(a) & 98.83(d)(2)). They have some flexibility in determining which monitoring requirements should apply to child care providers (45 CFR 98.83(d)(2)). However, any alternative approaches must be approved, and this flexibility cannot be used to bypass these requirements altogether. Rather, Tribal Lead Agencies can introduce strategies that are more culturally appropriate or more financially feasible for Native children, families, and child care providers.

State Lead Agencies are subject to the same health and safety requirements and also must have child care licensing requirements for child care providers (45 CFR 98.40(a)(1)). State Lead Agencies may require child care providers to meet additional health and safety standards or quality levels in order to participate in the CCDF program. Tribal Lead Agencies may use their CCDF funds to pay child care providers regulated by a State Lead Agency rather than requiring a separate set of Tribal health and safety requirements or standards. Many Tribal Lead Agencies pay state-licensed or state-regulated providers with Tribal CCDF funds to serve Tribal children. Tribal Lead Agencies may accept state subsidy payments at their Tribally operated child care centers. In cases where Tribally operated child care centers accept state subsidy payments,

State Lead Agencies may require such providers to meet their state-specific health and safety requirements or standards, which may result in the Tribally operated child care center being subject to the State-specific health and safety requirements or their quality improvement systems. However, state licensing or regulation and quality improvement systems may not be culturally appropriate or relevant for Native children, families, and child care providers.

Request for Information

K. Please describe how state administration of CCDF requirements impact your Tribal Lead Agency's ability to administer your Tribal CCDF program and meet the needs of Native children and families.

Improving Families' Access to Child Care

L. Consumer Education

All Tribes are exempt from creating a CCDF consumer education website given the administrative cost of building a website and the lack of reliable high-speed internet in some Tribal areas (45 CFR 98.83(d)(1)(i)). However, Tribal Lead Agencies with medium or large allocations are required to meet some of the CCDF consumer education requirements, including maintaining a parental complaint hotline, disseminating certain information to parents, providers, and the general public on child care services, sharing consumer-friendly and easily accessible, provider-specific monitoring reports and provider-specific consumer education statement with a summary of the Tribe's health and safety policies. Tribes with small allocations are exempt from all consumer education requirements.

Request for Information

L. OCC seeks input on the consumer education information requirements for Tribal Lead Agencies. Please describe if the amount of consumer education information that is required for Tribal Lead Agencies creates any barriers or challenges in program administration. OCC also seeks feedback on the most appropriate minimum information about Tribal CCDF programs and eligible providers that should be shared with families and the general public, as well as effective means for communicating the information so that they can make informed decisions. OCC also welcomes feedback from families participating in Tribally-administered child care subsidy programs on current consumer education resources and if

these resources promote transparency and parent choice.

M. Eligibility

Tribal Lead Agencies with small allocations can consider any Native child under age 13 in the service area to be eligible for child care services automatically (referred to as "categorical eligibility") (45 CFR 98.83(f)(8) & 98.81(b)(1)(i)), and many CCDF Tribal Lead Agencies with small allocations utilize this flexibility.

Tribal Lead Agencies with large or medium allocations are subject to standard eligibility requirements unless the tribe's median income is below a level established by the Secretary, and therefore to be eligible for CCDF services, children must be under age 13, reside with a family whose income does not exceed 85 percent of the Grantee Median Income (GMI), and reside with parents who are working, attending a job training or educational program (45 CFR 98.81(b)). To use categorical eligibility, Tribal Lead Agencies with large or medium allocations must demonstrate their Tribal Median Income is below 85 percent of State Median Income, and that provision for services is delivered to those with the highest need. Most Tribal Lead Agencies meet this requirement.

Request for Information

M. Please describe whether current federal eligibility requirements are appropriate for Tribal Lead Agencies and what, if any, changes to current federal eligibility requirements would better support the implementation of Tribal CCDF programs, including coordination with other early care and education programs. Please describe whether changes to the eligibility requirements are needed to expand opportunity and access to child care and early learning services to Tribal Nations and communities.

Increasing Child Care Supply in Tribal Communities

N. Early Childhood Workforce

ACF's mission is to advance an early childhood sector that meets the developmental needs of, and that creates equitable opportunities for, children and families. This includes supporting systems that attract, prepare, support, and retain a qualified and diverse work force. President Biden's Executive order on Increasing Access to High-Quality Care and Supporting

Caregivers¹³ also calls for increasing wages and benefits for staff, increasing provider payment rates, and improved access to mental health supports for the workforce. CCDF provides significant flexibility for Tribal Lead Agencies to prioritize CCDF funds for the workforce. OCC has heard from many Tribal Lead Agencies that there are oftentimes internal challenges to increasing CCDF Tribally Operated Center teacher, director, and staff wages and/or in retaining qualified CCDF staff.

Request for Information

N1. Compensation. Please describe specific challenges or barriers that CCDF rules present for Tribal Lead Agencies increasing child care staff wages, benefits, and or provider payment rates. Please describe what changes would better support efforts to support the Tribal child care workforce.

N2. Qualifications. Please provide perspectives on child care workforce qualifications and what makes for an effective workforce. Please describe specific challenges or barriers that CCDF rules present for Tribal Lead Agencies in preparing, supporting, and retaining qualified CCDF staff.

O. Eligible Child Care Providers

Eligible child care providers under CCDF include center-based child care providers, family child care providers, or in-home child care providers that are subject to health and safety requirements and monitoring and enforcement procedures (45 CFR 98.2). Relative providers are also eligible if they are 18 years of age or older and provide child care services only to eligible children who are—by marriage, blood relationship, or court decree—the grandchild, great grandchild, sibling[s] (if such provider lives in separate residence), niece, or nephew of such provider (45 CFR 98.2).

Request for Information

O. We seek feedback on how the current requirements on eligible providers support Tribal CCDF programs and if they create barriers or challenges for Tribal Lead Agencies. Are there changes in the eligible provider requirements that would better support the implementation of Tribal CCDF programs? Are there ways in which the requirements on eligible providers undermine Tribal sovereignty and self-determination?

P. Comprehensive Background Checks

CCDF regulations require Tribes to comply with the same background check provisions as states and territories (45 CFR 98.83(d)(3)), but the Act does not provide Tribes the legal authority to conduct all checks, and Tribes face unique challenges directly requesting and accessing certain data. This lack of statutory authority and access to conduct certain checks impacts public safety not only in Tribal communities but across the United States.

Request for Information

P. We are seeking comment to better understand challenges Tribal Nations face to implement the CCDF background check requirements. Please describe challenges Tribal Nations face in the implementation of comprehensive background checks and recommendations for addressing these challenges while ensuring child safety.

Q. Other Topics

Please describe any other CCDF Tribal regulations and processes that interfere with Tribal Nations' child care program implementation and/or CCDF policies or regulations not yet addressed in this RFI and proposed solution(s).

Dated: July 24, 2023.

Ruth J. Friedman,

Director, Office of Child Care.

[FR Doc. 2023–15930 Filed 7–26–23; 8:45 am]

BILLING CODE 4184–87–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2023–0067; FF09E22000 FXES1111090FEDR 234]

RIN 1018–BG69

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Fluminense Swallowtail, Harris' Mimic Swallowtail, and Hahnel's Amazonian Swallowtail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list two species and one subspecies of Brazilian swallowtail butterflies as endangered species under the Endangered Species Act of 1973, as amended (Act). Specifically, we are proposing to list the Fluminense swallowtail (*Parides ascanius*), Harris'

mimic swallowtail (*Eurytides* (= *Mimoides*) *lysithous harrisianus*), and Hahnel's Amazonian swallowtail (*Parides hahneli*), all butterflies endemic to Brazil. After a review of the best scientific and commercial information available, we find that listing all three swallowtails is warranted. Accordingly, we propose to list the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail as endangered species under the Act. If we finalize this rule as proposed, it would add these species to the List of Endangered and Threatened Wildlife and extend the Act's protections to these species.

DATES: We will accept comments received or postmarked on or before September 25, 2023. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by September 11, 2023.

ADDRESSES:

Written comments: You may submit comments by one of the following methods:

(1) **Electronically:** Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2023–0067, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) **By hard copy:** Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2023–0067, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2023–0067.

FOR FURTHER INFORMATION CONTACT:

Rachel London, Chief, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, MS: ES, 5275

¹³ Executive Order 14095. April 18, 2023. <https://www.govinfo.gov/content/pkg/DCPD-202300309/pdf/DCPD-202300309.pdf>.

Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2171.

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:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

- (1) The species' biology, range, and population trends, including:
 - (a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;
 - (b) Genetics and taxonomy;
 - (c) Historical and current ranges, including distribution patterns and the locations of any additional populations of these species;
 - (d) Historical and current population levels, and current and projected trends; and
 - (e) Past and ongoing conservation measures for the species, their habitats, or both.
- (2) Threats and conservation actions affecting these species, including:
 - (a) Factors that may be affecting the continued existence of the species, which may include habitat destruction, modification, or curtailment; overutilization; disease; predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors.
 - (b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species.
 - (c) Existing regulations or conservation actions that may be addressing threats to these species.
- (3) Additional information concerning the historical and current status of these species.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act (16 U.S.C. 1533(b)(1)(A)) directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determinations may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that one or more of these species are threatened instead of endangered, or we may conclude that one or more of these species do not warrant listing as either endangered species or threatened species. In our final rule, we will clearly explain our rationale and the basis for our final decisions, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act (16 U.S.C. 1533(b)(5)) provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how

to obtain reasonable accommodations, in the **Federal Register** at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

On January 1, 1994, we received a petition to add the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails to the List of Endangered and Threatened Wildlife. On May 10, 1994, we published in the **Federal Register** (59 FR 24117) a 90-day finding that they may be warranted for listing. On December 7, 2004, we published in the **Federal Register** (69 FR 70580) a warranted but precluded 12-month finding for the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails and identified them as candidates under the Act (16 U.S.C. 1531 *et seq.*). Candidates are those fish, wildlife, and plants for which we have on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal, but for which development of a listing rule is precluded by other higher priority listing activities. These three species remained designated as candidates in the subsequent candidate notices of review (72 FR 20184, April 23, 2007; 73 FR 44062, July 29, 2008; 74 FR 40540, August 12, 2009; 76 FR 25150, May 3, 2011; 78 FR 24604, April 25, 2013; 81 FR 71457, October 17, 2016; 84 FR 54732, October 10, 2019; 86 FR 43470, August 9, 2021; 87 FR 26152, May 3, 2022).

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we solicited independent scientific review of the information contained in the Fluminense swallowtail, Harris'

mimic swallowtail, and Hahnel's Amazonian swallowtail SSA report. We sent the SSA report to seven independent peer reviewers and received four responses. Results of this structured peer review process can be found at Docket No. FWS-HQ-ES-2023-0067 on <https://www.regulations.gov>. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

Summary of Peer Reviewer Comments

As discussed in Peer Review above, we received comments from four peer reviewers on the draft SSA report. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the information contained in the SSA report. The peer reviewers generally concurred with our methods and conclusions, and provided additional information, clarification, and suggestions, including updates to the taxonomy of *Eurytides*, clarifications in terminology, discussion of uncertainty, and other editorial suggestions.

One peer reviewer suggested we inappropriately based our distribution area estimates for the three species on alpha hull polygons, spatial polygons used to represent a geographic location, and that our map suggests occurrences outside the distribution of the three species. The estimated ranges were based on data from the International Union for Conservation of Nature and Natural Resources (IUCN) and Sistema de Avaliação do Risco de Extinção da Biodiversidade (SALVE) and were not estimated using alpha hull polygons. We clarified the language in the SSA report and added details to the uncertainty discussion to address these concerns. Two peer reviewers also noted new occurrence records for the Fluminense and Harris' mimic swallowtails, but they were unable to provide further specifics at this time because the data are under restricted use. We incorporated the information on these new occurrence records into the text of the SSA report, but without details on the exact location, size, or condition of the new occurrence records, we were unable to incorporate them into the habitat analyses in the SSA report. In the SSA report, we also considered how this added uncertainty could lead to either over or under estimation in the resiliency, redundancy, and representation of the species. Otherwise, no substantive changes to our analysis and conclusions within the SSA report were deemed necessary, and peer

reviewer comments are addressed in the SSA report (Service 2023, entire).

Background

Taxonomy and Physical Description

The Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail are all butterflies belonging to the Papilionidae family. The Fluminense swallowtail (*Parides ascanius*) and Hahnel's Amazonian swallowtail (*Parides hahneli*) are both full species in the multi-species genus *Parides* (Tyler, Hamilton A., Brown, and Wilson 1994, pp. 179, 185; Racheli and Olmisan 1998, p. 126; Racheli, Bauer, and Frankenbach 2006, pp. 73, 77; Bánki et al. 2022, unpaginated). The Harris' mimic swallowtail, *Eurytides* (= *Mimoides* or *Graphium*) *lysithous harrisi* (Swainson 1822), is a subspecies of *E. (=M.) lysithous* (D'Abrera 1981 and D'Almeida 1966 as cited in Collins and Morris 1985, p. 208; Zhang et al. 2019, p. 3).

All three swallowtails are endemic to Brazil. The Fluminense swallowtail butterfly is a black-white-and-red swallowtail with a 45-millimeter (mm) (1.77-inch (in)) wingspan (Otero and Brown 1984, p. 2). Mimicking the Fluminense swallowtail, Harris' mimic swallowtail is a similar-looking medium-sized black-white-and-red swallowtail with narrow and relatively short tails (Collins and Morris 1985, p. 208). Hahnel's Amazonian swallowtail is a large black-and-yellow butterfly with a wingspan of 80–100 mm (3.14–3.93 in) (Collins and Morris 1985, p. 242).

Fluminense Swallowtail Ecology

The Fluminense swallowtail, endemic to sand forests or “restingas,” currently occupies an estimated 36 to 288 square kilometers (km²) of sparse habitat fragments across the swampy coastal forests of Rio de Janeiro state and the southern part of Espírito Santo state (Soares et al. 2011, p. 69; Seraphim et al. 2016, p. 534; H. Grice et al. 2019b, p. 2; Almeida 2023, unpaginated; Brant 2023, pers. comm.; Rosa, Ribeiro, and Freitas 2023, p. 8). Larvae feed exclusively on pipevine (also known as Dutchman's pipe) (*Aristolochia trilobata*), which grows primarily in rich, wet soils and is endemic to restinga habitats (Almeida 2015a, unpaginated; Seraphim et al. 2016, p. 534). Adult Fluminense swallowtails have been documented to feed on over 30 flowering plant species of more than 12 families (Almeida 2015a, unpaginated).

The Fluminense swallowtail typically has six generations per year and develops from egg to adult in approximately 50–58 days, with adult male life expectancy averaging 12.3 days (Otero and Brown 1984, pp. 5–6, 8–9; Herkenhoff et al. 2013, pp. 29–32; Almeida 2015b, p. 387). Adult males can travel distances of 400 to 1,000 meters (m) but are not found above 60 m of altitude (Soares et al. 2011, p. 69; Herkenhoff et al. 2013, pp. 29, 32; Seraphim et al. 2016, p. 544).

Fluminense swallowtails are known to have a sparse distribution throughout their range; sex ratios are male-dominated; and population numbers increase in the austral spring, peaking in October, correlated with warmer temperatures and lower relative humidity (Herkenhoff et al. 2013, p. 32; dos Santos Pereira et al. 2020, pp. 371–372). The Fluminense swallowtail currently occupies at least eight sites in the state of Rio de Janeiro where the species exhibits a metapopulation structure (a group of separate subpopulations that has some level of mixing) (Seraphim et al. 2016, pp. 534, 544). The species has also recently been seen in the southern part of the state of Espírito Santo, but records of this occurrence are not yet published (Brant 2023, unpaginated). There has been a continual decline in both the number of subpopulations as well as the numbers of individuals within each subpopulation, but there are no current total population estimates (Seraphim et al. 2016, p. 535; Almeida 2017, unpaginated; H. Grice et al. 2019b, p. 4).

Harris' Mimic Swallowtail Ecology

The Harris' mimic swallowtail currently occupies approximately 96 km² in Rio de Janeiro city, Barra de São João, Poço das Antas Biological Reserve, Jurubatiba National Park, and possibly near Vitória City in Espírito Santo state. In these areas, the Harris' mimic swallowtail inhabits sand-forest habitats composed of mixed dense and open vegetation adjacent to and in the lowland restinga swamps and in sandy flats above the tidal margins of the coastal Atlantic Forest (Otero and Brown, 1984, p. 10; Collins and Morris 1985, p. 209; Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Brown, Jr. 2004, pers. comm.; Monteiro et al. 2004, entire; Brant 2023, pers. comm.; Rosa, Ribeiro, and Freitas 2023, p. 8).

Harris' mimic swallowtail feeds on several plant species in the larval stage, and adults feed on nectar from flowering plants (Collins and Morris 1985, p. 209; Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Xerces Society 2006, unpaginated). The Harris'

mimic swallowtail has one brood per year, and individuals can remain in the pupal stage for 9 months to a year (Collins and Morris 1985, p. 209; Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Almeida 2015a, unpaginated). The adult flight season is from September to February, and flight activity is strongly associated with high humidity and sunshine (Collins and Morris 1985, p. 209).

Population ecology data are limited for Harris' mimic swallowtail. While new and unpublished information indicates there may be more colonies that have recently been discovered, the current best available information indicates there are only five known colonies of the subspecies, with abundance estimates for only one site from the early 2000s (Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Brown, Jr. 2004, pers. comm.; Monteiro et al. 2004, entire; Almeida 2015a, unpaginated; Brant 2023, pers. comm.). Information on sex ratio, population structure, and total population size are unknown, but the best available information indicates the total population size is decreasing due to ongoing habitat loss and degradation.

Hahnel's Amazonian Swallowtail Ecology

Hahnel's Amazonian swallowtail is very rare with a patchy distribution, inhabiting old sand strips (*i.e.*, stranded beaches) in remote regions along the tributaries of the middle and lower Amazon River basin in the states of Amazonas and Pará (Brown in litt. 1982, as cited in Collins and Morris 1985, p. 242; New and Collins 1991, p. 29; Tyler, Hamilton A., Brown, and Wilson 1994, p. 178; Racheli, Bauer, and Frankenbach 2006, p. 77; H. Grice et al. 2019c, p. 4). Hahnel's Amazonian swallowtail's location records span a wide range, and, due to lack of recent surveys, it is unknown whether the species persists in these locations (Brown, Jr. 2004, pers. comm.; H. Grice et al. 2019c, p. 2).

Due to its extremely low densities and occurrence in remote regions, there is very limited information on the ecology, population size, population trends, or sex ratio of Hahnel's Amazonian swallowtail. We are unaware of any information on the number of generations per year, life span, or duration of each life stage for this species. The species likely feeds on only one or a few larval host plants, and while it has not been identified to species, it is believed to be in the Dutchman's pipe genus, either *Aristolochia lanceolato-lorato* or *A. acutifolia* (Collins and Morris 1985, p. 242; Tyler, Hamilton A., Brown, and

Wilson 1994, p. 337; Racheli, Bauer, and Frankenbach 2006, p. 13). Like other swallowtail butterflies, it has been seen flying high, at or above the canopy (Brown, Jr. 2004, pers. comm.). The species is known to have a linear and patchy distribution, which might limit gene flow (Collins and Morris 1985, p. 242; H. Grice et al. 2019c, p. 4).

A thorough review of the taxonomy, life history, and ecology of the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails is presented in the SSA report (Service 2023, pp. 1–11).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species. In 2019, jointly with the National Marine Fisheries Service, the Service issued a final rule that revised the regulations in 50 CFR part 424 regarding how we add, remove, and reclassify endangered and threatened species and the criteria for designating listed species' critical habitat (84 FR 45020; August 27, 2019). On the same day, the Service also issued final regulations that, for species listed as threatened species after September 26, 2019, no longer automatically applied the prohibitions that section 9 of the Act applies to endangered species (84 FR 44753; August 27, 2019).

The Act defines an "endangered species" as a species that is in danger of extinction throughout all or a significant portion of its range, and a "threatened species" as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused

actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an "endangered species" or a "threatened species" only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term "foreseeable future," which appears in the statutory definition of "threatened species." Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term "foreseeable future" extends only so far into the future as we can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. "Reliable" does not mean "certain"; it means sufficient to provide

a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define the foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails' viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in (or decrease with decreases in) resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how each of these species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS-HQ-ES-2023-0067 on <https://www.regulations.gov>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of each of these three species and their resources, and the threats that influence the species' current and future conditions, in order to assess the species' overall viability and the risks to that viability.

Species Needs

Based on each species' biology described above (see discussion under Background) and in the SSA report (Service 2023, pp. 1–11), the three Brazilian swallowtails all need sufficient quantity, quality, and connectivity of their respective specialized habitats; host plants for larval development and food sources; an abundance of flowering plants for nectar sources for the adult butterflies; and like most species, sufficient conspecific individuals to find a mate. Owing to the limited data available, our assessment of species-level needs is developed further based on general principles as they apply to butterfly biology.

Butterfly viability is fostered—and thereby extinction risk reduced—by having multiple, connected demographically and genetically robust populations distributed widely across heterogeneous environmental conditions (referred to as spatial heterogeneity) and the breadth of diversity (genetic, morphological, physiological, and ecological variation). Spatial heterogeneity fosters asynchronous fluctuations among populations, guarding against concurrent population declines.

Maintaining historical patterns and levels of gene flow maintains genetic health (increases heterozygosity), while continued connectivity allows for demographic rescue following population decline or extirpation and supports dispersal in response to shifting conditions. Gene flow and spatial heterogeneity also support continuing adaptive responses, as does conserving genetic diversity across the landscape. Conversely, butterfly species composed of reduced or isolated populations are vulnerable to genetic drift and have reduced adaptive capacity, or the ability to respond to (*i.e.*, cope with, accommodate, or evolve in response to) environmental change (Forester et al. 2022, p. 507). Habitat loss, degradation, and fragmentation are the main factors that affect all three species' viability throughout their ranges, with additional impacts from climate change, fire, and capture. The Fluminense swallowtail's viability is further impacted by parasitism.

Habitat Loss and Degradation

Habitat loss and degradation is the primary factor negatively impacting the three Brazilian swallowtails, with all species experiencing high levels of deforestation in their ranges (Collins and Morris 1985, pp. 22, 67, 152, 209, 242; Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Brown, Jr. 1996, pp. 45–46, 52, 57; Seraphim et al. 2016, p. 534). The Fluminense and Harris' mimic swallowtails both occupy the Atlantic Forest, which has experienced an estimated 88 to 95 percent deforestation, and the remaining tracts of its habitat are severely fragmented (Saatchi et al. 2001, p. 868; Monteiro et al. 2004, p. 786; Tabarelli et al. 2005, p. 695; Ribeiro et al. 2009, pp. 1141–1145). Within the Atlantic Forest, the highly specialized restinga habitat required by the Fluminense and Harris' mimic swallowtails only comprises 0.4 percent of its historical distribution, and the remaining patches of restinga habitat are under strong pressure from anthropogenic disturbance (Otero and Brown 1984, pp. 3–6, 10–12; Brown, Jr. 2004, pers. comm.; Rocha et al. 2007, entire; Uehara-Prado and Fonseca 2007, pp. 264–266). The states of Pará and Amazonas, where the Hahnel's Amazonian swallowtail occurs, have also experienced and are continuing to experience high rates of deforestation, losing 66 percent and 11 percent of forests, respectively, over less than three decades (Soares-Filho et al. 2006, p. 250; The Economist 2013, unpaginated; Fraser 2015, unpaginated; Instituto Nacional de Pesquisas Espaciais (INPE) 2017, unpaginated). Considering the life

history and biology of all three swallowtails, increased and ongoing habitat loss and deforestation has and is continuing to decrease their viability throughout their ranges due to their specialized habitat requirements and patchy distributions.

Climate Change

Across Brazil, climate change is expected to increase temperatures and alter precipitation patterns as well as increase heatwaves and the length of the dry season in the Amazon (The World Bank Group 2021, unpaginated). Studies of butterflies in other fragmented tropical landscapes indicate an adverse effect on species richness as a result of altered precipitation patterns (Shuey 2022, pers. comm.). As progressing global climate change increases storm surge and causes sea level to rise (Intergovernmental Panel on Climate Change (IPCC) 2022, pp. 6–13), the extent of the Fluminense and Harris' mimic swallowtails' habitats are projected to be further reduced. Given the narrow distribution and habitat fragmentation of all three of these Brazilian swallowtails, coupled with reliance on specialized habitat, they are likely to be increasingly susceptible to negative impacts from climatic changes with limited adaptive capacity (Bellaver et al. 2022, p. 654).

Fire

Fire is another factor impacting all three swallowtails' viability. The Poco das Antas Biological Reserve, a large reserve where both the Fluminense and Harris' mimic swallowtails occur, has experienced frequent fire since the 1980s following drainage and damming projects in the region (Herkenhoff et al. 2013, p. 29; Sansevero et al. 2020, p. 32). Regarding the Hahnel's Amazonian swallowtail, fire in the Amazon has increased in recent years and is correlated with increased deforestation (Silveira et al. 2020, entire; 2022, entire). Fire has and will likely continue to cause habitat fragmentation and reduce the availability of specialized habitat for the three swallowtails.

Capture

Rare butterflies and moths are highly prized by collectors, and all three swallowtails have been collected and sold internationally (Collins and Morris 1985, pp. 155–179; Morris et al. 1991, pp. 332–334; Williams 1996, entire). Despite some protections under Brazilian and European laws, monitoring the trade of insects is difficult and these existing regulations have minimal impact on regulating trade or collection (H. Grice et al. 2019a,

p. 4; 2019b, p. 4; 2019c, p. 4). Both the Fluminense and Harris' mimic swallowtail occur near urban areas, increasing opportunity and ease of capture (Brown, Jr. 2004, pers. comm.). Additionally, species such as these three swallowtails with restricted distributions or localized populations tend to be more vulnerable to overcollection than those with a wider distribution (Brown, Jr. 2004, pers. comm.).

Parasitism

Parasitism has been identified as another stressor of the Fluminense swallowtail, with several parasites known to target the species and some colonies experiencing annual patterns of parasitism (Tavares, Navarro-Tavares, and Almeida, 2006, entire; Almeida 2015b, p. 388; 2017, pers. comm.). While impacts of parasitism on the species are unknown, parasitism and subsequent mortality of early life stages could potentially contribute to local extirpations of the remaining small, fragmented subpopulations.

Conservation Efforts and Regulatory Mechanisms

Our evaluation of the status of the species takes into account the extent to which threats are reduced or removed as a result of conservation efforts or existing regulatory mechanisms.

All three swallowtails are afforded some protections under Brazilian and international laws, including Brazilian environmental laws for endangered species (Fluminense and Harris' mimic swallowtails), protections in the state of Pará through its list of threatened species (Hahnel's Amazonian swallowtail), and inclusion in Annex B of the European Union (EU) Wildlife Trade Regulations (Fluminense and Hahnel's Amazonian swallowtails) (Snt'Anna, Rabinovici and Spitzack 2016, unpaginated; European Commission 2017, p. 802; Biodiversidade 2022, unpaginated). However, due to the difficulty in monitoring the insect trade, these existing regulations have minimal impact, and none of the three swallowtails is listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (H. Grice et al. 2019a, p. 4; 2019b, p. 4; 2019c, p. 4).

Habitat protection is generally lacking for all three swallowtails, although there is some overlap of protected areas in the Fluminense and Harris' mimic swallowtails' ranges. While most extant subpopulations of the Fluminense swallowtail exist outside protected areas, it is afforded some protection

where it occurs in small municipal parks and conservation units as well as in one protected reserve, Poço das Antas Biological Reserve (Seraphim et al. 2016, p. 536; Almeida 2017, pers. comm.). The Harris' mimic swallowtail also is afforded some protections from conservation units and the Poço das Antas Biological Reserve, in addition to occupying Jurubatiba National Park, which holds the largest remaining remnant of restinga habitat (Critical Ecosystem Partnership Fund (CEPF) 2001, p. 9; Rocha et al. 2007, pp. 263–269). While some habitat protections are in place in known occurrence locations for the Fluminense and Harris' mimic swallowtail, they occupy a highly urbanized matrix undergoing continuing development pressures (International Finance Corporation (IFC) 2002, entire; Khalip 2007, unpaginated). It is unknown if the Hahnel's Amazonian swallowtail currently occurs in any protected areas, but limited resources for conservation application minimize effectiveness of protected areas in the Amazon (Collins and Morris 1985, p. 234; Laurance and Williamson 2001, p. 1533; H. Grice et al. 2019c, p. 4).

Captive-reared Fluminense swallowtails were released over several years throughout the city of Rio de Janeiro in an attempt to increase subpopulation sizes and genetic diversity, but there was limited post-release monitoring to determine the success of this effort (Instituto Chico Mendes De Conservação Da Biodiversidade (ICMBio) 2007, pp. 82–89; Almeida 2017, pers. comm.; Monteiro 2017, pers. comm.). Captive rearing may be reinitiated in the future, but it is unclear when or how effective it might be at conserving the species (Almeida 2017, pers. comm.). There are no known captive rearing efforts for the Harris' mimic swallowtail nor for the Hahnel's Amazonian swallowtail.

Current Condition: Fluminense Swallowtail

The best available scientific and commercial data indicate the Fluminense swallowtail is a narrow endemic with low genetic diversity composed of a single metapopulation that occupies an estimated 36 to 288 km² (Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Seraphim et al. 2016, p. 534; Almeida 2017, pers. comm.). The remnant subpopulations occur in a highly urbanized landscape undergoing increased isolation from habitat loss, degradation, and fragmentation, with the majority occurring in small habitat patches under high risk of local extinction (Almeida 2015a, unpaginated; Almeida 2017,

pers. comm.; Seraphim et al. 2016, p. 534; Monteiro 2017, pers. comm.). While some of the subpopulations occur in protected areas, most are afforded limited or no protections (Soares et al. 2011, entire; Seraphim et al. 2016, pp. 536, 544).

The Fluminense swallowtail's small and isolated colonies are at increased risk of extirpation due to stochasticity and catastrophic events, and although we cannot quantify the level of risk, there is increasing vulnerability the longer they remain in this impaired condition. The requisite restinga habitat of the Fluminense swallowtail, once the dominant habitat type along the eastern coast of Brazil, was reduced to less than 1 percent of its former range by 2007. Past deforestation resulted in extirpation of multiple colonies and fragmentation and isolation of remaining sites. Considering the severe reduction in the specialized requisite habitat for the Fluminense swallowtail and its reliance on a single larval host plant, the species has limited resiliency and ability to withstand environmental and demographic stochasticity. With only a single metapopulation and a reduced number of subpopulations inhabiting a highly urbanized and fragmented landscape, the Fluminense swallowtail has minimal redundancy to safeguard against catastrophic events. Lastly, while the species is already known to have low genetic diversity and an inherently limited ability to adapt (owing to its specialized habitat requirements, a single larval host plant, and a narrow climatic niche breadth), as subpopulations are increasingly isolated from habitat loss and fragmentation the species representation and ability to adapt to changing and shifting environmental conditions is further constrained.

Current Condition: Harris' Mimic Swallowtail

The Harris' mimic swallowtail is a narrow endemic that occupies an estimated 96 km² across approximately six sites in the state of Rio de Janeiro and possibly one site in the state of Espírito Santo (Collins and Morris 1985, p. 208; Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Brown, Jr. 2004, pers. comm.; Monteiro et al. 2004, p. 153; Almeida 2015a, unpaginated; H. Grice et al. 2019a, p. 2; Brant 2023, pers. comm.; Rosa, Ribeiro, and Freitas 2023, p. 8). There are no current population estimates for any of these sites, and whether Harris' mimic swallowtail still occurs in these locations is uncertain. Two colonies in the City of Rio de Janeiro occur in small patches of vegetation possibly under high risk of

local extirpation, and recent observations are scarce of the colony in Barra de São João, which was previously characterized as vigorous and stable (Tyler, Hamilton A., Brown, and Wilson 1994, p. 179; Brown, Jr. 2004, pers. comm.; Almeida 2015a, unpaginated; H. Grice et al. 2019a, p. 2).

By the early 2000s, the restinga habitat was reduced to only 0.4 percent of its historical distribution with restinga remnants already generally small and surrounded by areas undergoing rapid urbanization or already urbanized (Ribeiro et al. 2009, as cited in Seraphim et al. 2016, p. 534; Rocha et al. 2007, pp. 263, 265). This severely reduced habitat has continued to decline. Over the last 20 years, there was an estimated 2.14 percent forest loss in the Harris' mimic swallowtail's remaining range, and at times protected areas experienced higher rates of deforestation than outside protected areas (Service 2023, p. 21).

In the absence of historical or current population data, the large quantities of habitat loss seen in the range of the Harris' mimic swallowtail suggest the population has likely experienced comparable declines in size. The subspecies has been extirpated from portions of its historical range and in its once strongest colony it now appears to be scarce. While the Harris' mimic swallowtail occupies two protected areas of intact restinga habitat, has some diversity in habitat types used, and has larva that feeds on multiple host plants, its extent of occurrence is severely reduced and is within a highly urbanized landscape, limiting the subspecies' resiliency and ability to withstand environmental and demographic stochasticity. The subspecies reliance on a severely reduced specialized habitat in a highly urbanized and fragmented landscape with only a few known colonies, indicates the Harris' mimic swallowtail has limited redundancy to safeguard against catastrophic events. Finally, the highly urbanized and fragmented landscape the Harris' mimic swallowtail inhabits likely limits migration and gene flow between colonies, which coupled with the subspecies' reliance on specialized habitat, hinders the Harris' mimic swallowtails' representation and leaves it vulnerable to changing and shifting environmental conditions.

Current Condition: Hahnel's Amazonian Swallowtail

The Hahnel's Amazonian swallowtail has an estimated extent of occurrence of 189,015 km², has an unknown area of occupancy, and is known from a linear and patchy distribution along the

tributaries of the middle and lower Amazon River basin (Collins and Morris 1985, p. 242; New and Collins 1991, p. 29; Tyler, Hamilton A., Brown, and Wilson 1994, p. 178; Racheli, Bauer, and Frankenbach 2006, p. 77; H. Grice et al. 2019c, p. 2). The species is known to be scarce; however, even when rarity is natural, rarer species are at higher risk of extinction than those that are common (Flather and Sieg 2007, entire; Johnson 1998, entire).

Regions where the Hahnel's Amazonian swallowtail was previously known to occur have experienced continued and increasing rates of deforestation (H. Grice et al. 2019a, p. 4). From 2000–2020, there was 5.65 percent forest cover loss in the range of the Hahnel's Amazonian swallowtail, and there were similar trends in forest loss between protected areas and non-protected areas (Service 2023, p. 24). While there remains about 85 percent of forest cover in the species' known extent of occurrence, the species is inherently rare, restricted to a highly specialized habitat, and likely has only a single larval host plant, which limits the species' resiliency and ability to withstand environmental and demographic stochasticity. While the large extent of occurrence provides some level of redundancy to safeguard against catastrophic events, the species has only been found in a few locations, suggesting that localized extirpations from habitat loss or other factors would likely be detrimental to the species. Finally, considering the species' scarcity and patchy linear distribution, there is also likely little gene flow between populations, limiting the species' representation and making it vulnerable to changing and shifting environmental conditions.

Future Scenarios and Cumulative Effects

As part of the SSA report, we developed future-condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails. Our future scenarios reflect the conclusion from our analysis that the primary factor influencing the future viability of all three of these swallowtails is habitat loss and degradation resulting from: (1) deforestation from land-use change and urbanization, and (2) climate-change impacts on the species' climatic niche breadths and habitat availability. The best available information indicates that all three swallowtails' populations and distributions will decline in the future. However, because we have determined

that the Fluminense, Harris' mimic, and Hahnel's Amazonian swallowtails meet the Act's definition of endangered species based on their current conditions (see Determination of Status for the Fluminense Swallowtail, Harris' Mimic Swallowtail, and Hahnel's Amazonian Swallowtail, below), we are not presenting the results of the future scenarios in this proposed rule. Please refer to the SSA report (Service 2023, entire) for the full analysis of future scenarios.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on these species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Determination of Status for the Fluminense Swallowtail, Harris' Mimic Swallowtail, and Hahnel's Amazonian Swallowtail

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species in danger of extinction throughout all or a significant portion of its range, and a "threatened species" as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range—Fluminense Swallowtail

After evaluating threats to the species and assessing the cumulative effect of

the threats under the Act's section 4(a)(1) factors, we determined that the Fluminense swallowtail's distribution and population have been reduced across its range as evidenced by the extensive loss and degradation of its requisite specialized habitat. The remnant subpopulations occur in a highly urbanized landscape undergoing increased isolation from habitat loss, degradation, and fragmentation and consequently are at increased risk of extirpation due to stochasticity and catastrophic events. Coupled with the species' specialized habitat requirements, the isolation and fragmentation of the remaining subpopulations, which make up a single metapopulation, have left the species with insufficient resiliency, redundancy, and representation for its continued existence to be secure.

Thus, after assessing the best scientific and commercial data available regarding threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determine that the Fluminense swallowtail is in danger of extinction throughout all of its range primarily due to historical and ongoing habitat loss and degradation from development and urbanization (Factor A) and the additive threat from capture (Factor B). The existing regulatory mechanisms and other conservation measures are inadequate to address the identified threats to the species (Factor D). The species does not fit the statutory definition of a threatened species because it is currently in danger of extinction, whereas threatened species are those likely to become in danger of extinction within the foreseeable future.

Status Throughout All of Its Range—Harris' Mimic Swallowtail

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determined the Harris' mimic swallowtail's distribution and population have been reduced across its range as evidenced by the extensive loss and degradation of its requisite specialized habitat. The remnant colonies occur in a highly urbanized landscape undergoing increased isolation from habitat loss, degradation, and fragmentation and consequently are at increased risk of extirpation due to stochasticity and catastrophic events. Coupled with the species' specialized habitat requirements, the isolation and fragmentation of the remaining colonies have left the subspecies with insufficient resiliency, redundancy, and

representation for its continued existence to be secure.

Thus, after assessing the best scientific and commercial data available regarding threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determine that the Harris' mimic swallowtail is in danger of extinction throughout all of its range due to historical and ongoing habitat loss and degradation from anthropogenic activities (Factor A) and the additive threat from capture (Factor B). The existing regulatory mechanisms and other conservation measures are inadequate to address the identified threats to the species (Factor D). The species does not fit the statutory definition of a threatened species because it is currently in danger of extinction, whereas threatened species are those likely to become in danger of extinction within the foreseeable future.

Status Throughout All of Its Range—Hahnel's Amazonian Swallowtail

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determined that the viability of the Hahnel's Amazonian swallowtail is limited as a result of extensive habitat loss and degradation coupled with the species' rarity and patchy distribution. The species is inherently rare, is restricted to a highly specialized habitat, and likely has only a single larval host plant, which, when coupled with habitat loss and degradation, makes it vulnerable to changing and shifting environmental conditions and catastrophic events, and has left the species with insufficient resiliency, redundancy, and representation for the species' continued existence to be secure.

Thus, after assessing the best scientific and commercial data available regarding threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, we determine that the Hahnel's Amazonian swallowtail is in danger of extinction throughout all of its range primarily due to ongoing and increasing habitat loss and degradation from deforestation and fire (Factor A) and the additive threat from capture (Factor B). The existing regulatory mechanisms and other conservation measures are inadequate to address the identified threats to the species (Factor D). The species does not fit the statutory definition of a threatened species because it is currently in danger of extinction, whereas threatened species are those likely to become in danger of extinction within the foreseeable future.

Status Throughout a Significant Portion of Their Ranges

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. We have determined that the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail are in danger of extinction throughout all of their ranges and accordingly did not undertake an analysis of any significant portion of their ranges. Because the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail warrant listing as endangered throughout all of their ranges, our determination does not conflict with the decision in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020), which vacated the provision of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014) providing that if the Service determines that a species is threatened throughout all of its range, the Service will not analyze whether the species is endangered in a significant portion of its range.

Fluminense Swallowtail, Harris' Mimic Swallowtail, and Hahnel's Amazonian Swallowtail—Determination of Status

Our review of the best available scientific and commercial information indicates that the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail meet the Act's definition of endangered species. Therefore, we propose to list the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail as endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

The purposes of the Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in the Act. Under the Act, a number of steps are available to advance the conservation of species listed as endangered or threatened species. As explained further below, these conservation measures include: (1)

recognition, (2) recovery actions, (3) requirements for Federal protection, (4) financial assistance for conservation programs, and (5) prohibitions against certain activities.

Recognition through listing results in public awareness, as well as in conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species.

Section 7 of the Act is titled, "Interagency Cooperation," and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

A Federal "action" that is subject to the consultation provisions of section 7(a)(2) is defined in our implementing regulations at 50 CFR 402.02 as all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. With respect to the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail, no known actions would require consultation under section 7(a)(2) of the Act. Given the regulatory definition of "action," which clarifies that it applies to activities or programs "in the United States or upon the high seas," the Fluminense swallowtail, Harris' mimic swallowtail, and Hahnel's Amazonian swallowtail are unlikely to be the subject of section 7 consultations, because the entire life cycles of these species occur in terrestrial areas outside of the United States and are unlikely to be affected by U.S. Federal actions. Additionally, no critical habitat will be designated for these species because, under 50 CFR 424.12(g), we will not designate critical habitat within foreign countries or in other areas outside of the jurisdiction of the United States.

Section 8(a) of the Act (16 U.S.C. 1537(a)) authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the

Interior determines to be necessary or useful for the conservation of endangered or threatened species in foreign countries. Sections 8(b) and 8(c) of the Act (16 U.S.C. 1537(b) and (c)) authorize the Secretary to encourage conservation programs for foreign listed species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, and implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. Certain exceptions to these prohibitions apply to employees or agents of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued for scientific purposes, for enhancing the propagation or survival of the species, or for take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

The Service may also register persons subject to the jurisdiction of the United States through its captive-bred wildlife (CBW) program if certain established requirements are met under the CBW regulations (see 50 CFR 17.21(g)). Through a CBW registration, the Service may allow a registrant to conduct

certain otherwise prohibited activities under certain circumstances to enhance the propagation or survival of the affected species, including take; export or re-import; delivery, receipt, carriage, transport, or shipment in interstate or foreign commerce in the course of a commercial activity; or sale or offer for sale in interstate or foreign commerce. A CBW registration may authorize interstate purchase and sale only between entities that both hold a registration for the taxon concerned. The CBW program is available for species having a natural geographic distribution not including any part of the United States and other species that the Service Director has determined to be eligible by regulation. The individual specimens must have been born in captivity in the United States.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify, to the extent known at the time a species is listed, specific activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species.

At this time, we are unable to identify specific activities that would not be considered likely to result in a violation of section 9 of the Act beyond what is already clear from the descriptions of prohibitions or already excepted through our regulations at 50 CFR 17.21. Also, at this time, we are unable to identify specific activities that would be considered likely to result in a violation of section 9 of the Act beyond what is already clear from the descriptions of the prohibitions at 50 CFR 17.21.

Applicable wildlife import/export requirements established under the Act (16 U.S.C. 1538(d)–(f)), the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*), and 50 CFR part 14 must also be met for imports and exports of the Fluminense swallowtail, Harris' mimic

swallowtail, and Hahnel's Amazonian swallowtail. Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Service's Division of Management Authority (managementauthority@fws.gov; 703–358–2104).

Required Determinations

Clarity of the Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> in Docket No. FWS–HQ–ES–2023–0067 and upon request from the Branch of Delisting and Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Branch of Delisting and Foreign Species.

List of Subjects in 50 CFR part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

- 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding entries for “Swallowtail, Fluminense”, “Swallowtail, Hahnel's Amazonian”, and “Swallowtail, Harris' mimic” in alphabetical order under INSECTS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * * * *				
INSECTS				
* * * * *				
Swallowtail, Fluminense ..	<i>Parides ascanius</i>	Wherever found	E	[Federal Register citation when published as a final rule].
Swallowtail, Hahnel's Amazonian.	<i>Parides hahneli</i>	Wherever found	E	[Federal Register citation when published as a final rule].
Swallowtail, Harris' mimic	<i>Eurytides</i> (= <i>Mimoides</i>) <i>lysithous harrisianus</i> .	Wherever found	E	[Federal Register citation when published as a final rule].
* * * * *				

Martha Williams,
Director, U.S. Fish and Wildlife Service.
[FR Doc. 2023–15739 Filed 7–26–23; 8:45 am]
BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 88, No. 143

Thursday, July 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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by August 28, 2023 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Wood Innovations Funding Opportunity Program.

OMB Control Number: 0596–0256.

Summary of Collection: USDA Forest Service is delivering the Wood Innovations Funding Opportunity (WIFO) to support the Agriculture Improvement Act of 2018 Public Law 115–334 Sec. 9013, Rural Revitalization Technologies 7 U.S.C. 8113, Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law) Public Law 117–58 Div. J Title VI, Inflation Reduction Act Public Law 117–169 SEC. 23002, and the nationwide challenge of disposing of hazardous fuels and other wood residues from the National Forest System and other U.S. forest lands in a manner that supports wood products and wood energy markets. The intent of the Wood Innovations Funding Opportunity is to stimulate, expand, and support U.S. wood products markets and wood energy markets to support the long-term management of National Forest System and other forest lands. According to 2 CFR part 200 and Forest Service Handbook 1509.11, chapter 20, prescribes administrative requirements and processes applicable to all Forest Service domestic and international Federal Financial Assistance awards to State and local governments, institutions of higher education, hospitals, private profit and nonprofit organizations, individuals, and foreign recipients.

Need and Use of the Information: Collection of this information is necessary to ascertain if applicants seeking financial assistance do in fact operate facilities in close proximity to a unit of federal or Indian land that has been identified as high or very high priority for ecological restoration.

Description of Respondents: Individuals and Households, Private Sector, State, Local or Tribal Government.

Number of Respondents: 118.

Frequency of Responses: Annually.

Total Burden Hours: 354.

Forest Service

Title: Community Wood Energy and Wood Innovation Program (CWEWIP).

OMB Control Number: 0596–0257.

Summary of Collection: USDA Forest Service is delivering the Community Wood Energy and Wood Innovation Program (CWEWIP) to support the Rural

Revitalization Technologies 7 U.S.C. 8113 and Agriculture Improvement Act of 2018 Public Law 115–334 sec. 9013, and Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law) Public Law 117–58 Div. J Title VI which directly support the installation of thermally led community wood energy systems or development and expansion of innovative wood product facilities. The intent of the CWEWIP is to support forest health and stimulate local economies by expanding renewable wood energy use and innovative wood products manufacturing capacity. According to 2 CFR part 200 and Forest Service Handbook 1509.11, chapter 20, prescribes administrative requirements and processes applicable to all Forest Service domestic and international Federal Financial Assistance awards to State and local governments, institutions of higher education, hospitals, private profit and nonprofit organizations, individuals, and foreign recipients.

Need and Use of the Information: Information will be collected using electronic forms submitted by email to the respective Forest Service Regional Coordinator (see table with list of Regional Coordinators) in the Forest Service Region your State resides. No other forms of submitting applications for financial assistance will be accepted. Information will be used to evaluate eligibility and financial assistance need of applicants. In addition, the information collection will be used to produce maps illustrating where the projects will be implemented.

Description of Respondents: Individuals and Households, Private Sector, State, Local or Tribal Government.

Number of Respondents: 24.

Frequency of Responses: Annually.

Total Burden Hours: 72.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2023–15929 Filed 7–26–23; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****National Advisory Committee on Microbiological Criteria for Foods**

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice is announcing that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold a virtual public meeting of the full Committee on August 30, 2023. The Committee will discuss and vote to adopt the following report: *Cyclospora cayetanensis* in Produce. The Committee will also provide an update on the *Cronobacter* spp. in Powdered Infant Formula charge.

DATES: The full Committee will hold a virtual public meeting on Wednesday, August 30, 2023, from 11:00 a.m. to 1:00 p.m. ET. Submit comments on or before August 25, 2023.

ADDRESSES: The Committee meeting will be held virtually using Webex. Attendance is free but pre-registration by Friday, August 25, 2023, is requested. Attendees must pre-register at <https://ems8.intellor.com?do=register&t=1&p=848498> to receive a join link, dial-in number, access code, and unique Attendee ID for the event. An American Sign Language interpreter will be present during the meeting and attendees will also have the option to turn on closed captions. Persons interested in providing comments at the August 30, 2023, plenary meeting should indicate so when registering. Comments will be limited to three minutes per speaker. The deadline to submit written comments is August 25, 2023.

The NACMCF document for adoption will be available at <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf/2021>. FSIS invites interested persons to submit written comments on the *Cyclospora cayetanensis* in Produce report. Written comments may be submitted by one of the following methods:

- **Federal eRulemaking Portal:** This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- **Mail:** Send to Docket Clerk, U.S. Department of Agriculture, Food Safety

and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 1128, Washington, DC 20250–3700.

- **Hand- or Courier-Delivered Submittals:** Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2023–0017. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

Agenda: FSIS will finalize an agenda on or before the meeting date and post it on the FSIS web page at <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings>.

Please note that the meeting agenda is subject to change due to the time required for reviewing and adopting the reports; thus, sessions could end earlier or later than anticipated. Please plan accordingly if you would like to attend this meeting or participate in the public comment period. The official transcript of the August 30, 2023 Committee meeting, when it becomes available, will be posted on FSIS' website at <https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collectionand-reports/nacmcf/meetings/nacmcfmeetings>.

FOR FURTHER INFORMATION CONTACT: Kristal Southern, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue SW, Room 1128, Washington, DC 20250; Email: NACMCF@usda.gov.

SUPPLEMENTARY INFORMATION:**Background**

The NACMCF was established in 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing at <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria>

[foods-nacmcf](https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf). The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Departments of Commerce and Defense. The Committee reports to the Secretary of Agriculture through the Under Secretary for Food Safety, the Committee's Chair, and to the Secretary of Health and Human Services through the Assistant Secretary for Health, the Committee's Vice-Chair. Currently, Dr. Emilio Esteban, Under Secretary for Food Safety, USDA, is the Committee Chair; Dr. Donald Prater, Acting Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Dr. Kristal Southern, USDA FSIS, is the Director of the NACMCF Secretariat and Designated Federal Officer.

NACMCF documents and comments posted on the FSIS website are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy. To meet the electronic and information technology accessibility standards in Section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the internet copies of the documents. Copyrighted documents will not be posted on FSIS' website but will be available for inspection in the FSIS Docket Room.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication through the FSIS website located at: <https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-notices>. FSIS also will make copies of this publication available 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 can 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: <https://www.fsis.usda.gov/news-events/news-press-releases/news-feeds-subscriptions>. 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's 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, audiotope, 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; or (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: July 21, 2023.

Egypt Simon,

Acting USDA Committee Management Officer.

[FR Doc. 2023-15856 Filed 7-26-23; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[DOCKET #: RBS-23-NONE-0015]

Notice of Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS) announces its intention to request a revision of a currently approved information collection package for Voluntary Labeling Program for Biobased Products.

DATES: Comments on this notice must be received by September 25, 2023 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically by the Federal eRulemaking Portal, <https://www.regulations.gov>. In the "Search for dockets and documents on agency actions" box enter the Docket No. RBS-23-NONE-0015 and click the "Search" button. From the search results, click on or locate the document title: "Notice of Revision of a Currently Approved Information Collection" and select the "Comment" button. Before inputting comments, commenters may review the "Commenter's Checklist" (optional). Insert comments under the "Comment" title, click "Browse" to attach files (if available), input email address and select "Submit Comment." Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link.

All comments will be available for public inspection online at the Federal eRulemaking Portal (<https://www.regulations.gov>).

Other Information: Additional information about Rural Development and its programs is available on the internet at <https://www.rd.usda.gov>.

FOR FURTHER INFORMATION CONTACT:

Katherine Anne Mathis, Rural Development Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202-713-7565, email: Katherine.mathis@usda.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for revision.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Voluntary Labeling Program for Biobased Products.

OMB Control Number: 0570-0071.

Type of Request: Revision of a currently approved information collection.

Abstract: Section 9002(h) of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008, the Agricultural Act of 2014, and the Agricultural Improvement Act of 2018, requires the Secretary of Agriculture to implement a Voluntary Labeling Program that would enable qualifying biobased products to be certified with a "USDA Certified Biobased Product" label. USDA subsequently published the terms and conditions for voluntary use of the label, which can be found in the Code of Federal Regulations (CFR) at 7 CFR part 3202.

To implement the statutory requirements of FSRIA, USDA will gather relevant product information on biobased products for which manufacturers and vendors seek certification to use the label. Participation in the Voluntary Labeling Program is entirely voluntary.

The information collected will enable USDA to evaluate the qualifications of biobased products to carry the USDA Certified Biobased Product label and to ensure that the label is used properly and in accordance with the requirements specified in 7 CFR part 3202. To the extent feasible, the information sought by USDA can be transmitted electronically using the website <http://www.biopreferred.gov>. If electronic transmission of information is not practical for some applicants, USDA will provide technical assistance to support the transmission of information to USDA.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.4 hours per response.

Respondents: Manufacturers and vendors who wish to apply the "USDA Certified Biobased Product" label to their biobased products. Participation is voluntary.

Estimated Number of Respondents: 300.

Estimated Number of Responses per Respondent: 2.75.

Estimated Number of Responses: 825.

Estimated Total Annual Burden on Respondents: 1,988 hours.

Copies of this information collection can be obtained from Katherine Anne Mathis, Rural Development Innovation Center—Regulations Management Division, at (202) 713-7565. Email: katherine.mathis@usda.gov.

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.

Karama Neal,

Administrator, Rural Business-Cooperative Service, USDA Rural Development.

[FR Doc. 2023-15880 Filed 7-26-23; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

[DOCKET #: RBS-23-NONE-0016]

Notice of Revision of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 the Rural Business-Cooperative Service (RBCS) announces its intention to request a revision of a currently approved information collection package for Guidelines for Designating Biobased Products for Federal Procurement.

DATES: Comments on this notice must be received by September 25, 2023 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically by the Federal eRulemaking Portal, <http://www.regulations.gov>. In the "Search for dockets and documents on agency actions" box enter the Docket No. RBS-23-NONE-0016 and click the "Search" button. From the search results, click on or locate the document title: "Notice of Request of a Currently Approved Information Collection" and select the "Comment" button. Before inputting comments, commenters may review the "Commenter's Checklist" (optional). Insert comments under the "Comment" title, click "Browse" to attach files (if available), input email address and select "Submit Comment."

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link.

All comments will be available for public inspection online at the Federal eRulemaking Portal (<https://www.regulations.gov>).

Other Information: Additional information about Rural Development and its programs is available on the internet at <https://www.rd.usda.gov>.

FOR FURTHER INFORMATION CONTACT:

Katherine Anne Mathis, Rural Development Innovation Center—Regulations Management Division, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, Telephone: 202-713-7565, email: katherine.mathis@usda.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that the Agency is submitting to OMB for revision.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance

of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Guidelines for Designating Biobased Products for Federal Procurement.

OMB Control Number: 0570-0073.

Type of Request: Revision of a currently approved information collection.

Abstract: The USDA BioPreferred Program provides that qualifying biobased products that fall under product categories (generic groups of biobased products) that have been designated for preferred procurement by rule making are required to be purchased by Federal agencies in lieu of their fossil energy-based counterparts, with certain limited exceptions. Further, USDA is required by section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008 and the Agricultural Act of 2014, and the Agricultural Improvement Act of 2018, to provide certain information on qualified biobased products to Federal agencies. To meet these statutory requirements, USDA will gather that information from manufacturers and vendors of biobased products. The information sought by USDA can be transmitted electronically using the website <http://www.biopreferred.gov>. If for any reason the requested information cannot be electronically transmitted, USDA will provide technical assistance to support the transmission of information to USDA. The information collected will enable USDA to meet statutory information requirements that will then permit USDA to designate product categories for preferred procurement under the BioPreferred Program. Once product categories are designated, manufacturers and vendors of qualifying biobased products that fall under these designated product categories will benefit from preferred procurement by Federal agencies.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 40 hours per response.

Respondents: Manufacturers and vendors of biobased products. Participation is voluntary.

Estimated Number of Respondents: 220.

Estimated Number of Responses per Respondent: One per manufacturer or vendor.

Estimated Number of Responses: 220.

Estimated Total Annual Burden on Respondents: 8,800 hours, one time only. Manufacturers and vendors are only asked to respond once for each stand-alone product or product family. Therefore, there is no ongoing annual paperwork burden on respondents unless they wish to add additional stand-alone products or product families. Furthermore, their participation in the BioPreferred Program is entirely voluntary.

Copies of this information collection can be obtained from Katherine Anne Mathis, Rural Development Innovation Center—Regulations Management Division, at (202) 713-7565. Email: katherine.mathis@usda.gov.

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.

Karama Neal,

Administrator, Rural Business-Cooperative Service, USDA Rural Development.

[FR Doc. 2023-15884 Filed 7-26-23; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[DOCKET #: RUS-23-ELECTRIC-0005]

Empowering Rural America (New ERA) Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice; announcement of the opening of the online application window for the New ERA Program.

SUMMARY: The Rural Utilities Service, a Rural Development agency of the United States Department of Agriculture (USDA), hereinafter referred to as “RUS” or “the Agency” announced its intent to solicit Letters of Interest (LOI) for applications under the Empowering Rural America (New ERA) Program in a Notice of Funding Opportunity (NOFO) on May 16, 2023, in the **Federal Register**. In addition, the NOFO also announced the eligibility requirements, application process and deadlines, and the criteria that RUS will use to assess New ERA Applications. The New ERA funds will be used to assist Eligible Entities in achieving the greatest

reduction in Greenhouse Gas (GHG) emissions while advancing the long-term resiliency, reliability, and affordability of rural electric systems. This Notice announces an update on how to submit an LOI, additional information that must be submitted and an extension of time to submit LOIs.

DATES: The Agency will begin accepting LOIs for the New ERA Program beginning at 11:59 a.m. Eastern Time (ET) on July 31, 2023, and until 11:59 p.m. ET on September 15, 2023. Letters of Interest will not be accepted after 11:59 p.m. ET on September 15, 2023.

ADDRESSES: All LOIs must be submitted to RUS electronically at www.grants.gov. Additional information and resources are available at <https://www.rd.usda.gov/programs-services/electric-programs/empowering-rural-america-new-era-program>. The Inflation Reduction Act of 2022 funding for Rural Development website is located at <https://www.rd.usda.gov/inflation-reduction-act>.

FOR FURTHER INFORMATION CONTACT:

Christopher McLean, Assistant Administrator, Electric Program, Rural Utilities Service, Rural Development, United States Department of Agriculture, 1400 Independence Avenue SW, STOP 1568, Washington, DC 20250-1560; Telephone: 202-690-4492. Email to: SM.RD.RUS.IRA.Questions@usda.gov.

SUPPLEMENTARY INFORMATION:

Authority: The New ERA Program is authorized under the Inflation Reduction Act of 2022 (Pub. L. 117-169, “IRA”), Subtitle C, Section 22004.

Overview

Federal Awarding Agency Name: Rural Utilities Service.

Funding Opportunity Title: Empowering Rural America (New ERA) Program.

Announcement Type: Announcement of the Opening of the On-Line Application Window for the New ERA Program.

Assistance Listing Number: 10.758.

Funding Opportunity Number: RUS-NewERA-2023

LOI submission information: RUS will accept electronic submission of LOIs through Grants.gov. RUS will not accept paper, facsimile, or email transmission.

I. Background

On August 16, 2022, The Biden Harris Administration and the United State Congress passed the Inflation Reduction Act of 2022 which authorized the New ERA Program. The goal of the New ERA Program is to provide financial assistance to Eligible Entities to achieve

the greatest reductions in GHG emissions through the cooperatives’ voluntary transformation of rural electric systems in a way that promotes resiliency and reliability of rural electric systems and affordability for their members.

On May 16, 2023, the Agency published a NOFO in the **Federal Register** (88 FR 31218) that solicited LOIs for applications under the New ERA Program and announced the application process as well as provided deadlines for applications from Eligible Entities. The NOFO also informed potential Applicants that the Agency would finalize the specific requirements of submitting an LOI through the on-line application window by a separate notice in the **Federal Register** and on the RUS website at <https://www.rd.usda.gov/programs-services/electric-programs/empowering-rural-america-new-era-program>. In response to stakeholder requests, RUS is extending the deadline for accepting LOI submissions from August 31, 2023, to September 15, 2023, to provide stakeholders more time to prepare their LOIs.

II. Letter of Interest Requirements and Submission

A. Letter of Interest Requirements

The Agency has added the requirement to submit an Application for Federal Assistance (SF 424) to the list of items needed for a complete LOI in order to accept the LOI’s through Grants.gov. In addition to the SF 424, Applicants will still be required to provide the information included in Section D.2.i. of the NOFO that published in the **Federal Register** on May 16, 2023, (88 FR 31218). The RUS New ERA website will include an LOI Guide at <https://www.rd.usda.gov/programs-services/electric-programs/empowering-rural-america-new-era-program>. The LOI Guide will provide details on the submission of the LOI on Grants.gov, including how to provide attachments. In addition, the LOI Guide will detail how Applicants should use the RUS geospatial mapping tool to draw the service areas associated with each New ERA project and then upload Shapefiles to Grants.gov as part of an LOI Application. The LOI Guide will also indicate where to attach the additional requirements for the LOI, such as a copy of the Applicant’s balance sheet and income statements.

B. Letter of Interest Submission

1. Application of General Assistance. Prior to official submission of an LOI, Applicants may request general assistance from the Agency if such

requests are made prior to September 8, 2023. The Agency may provide general assistance as it is able, and Applicants may request assistance in the form of general assistance and consultation with an RUS General Field Representative (GFR). Please note that RUS GFRs shall not provide strategic submission or strategic LOI advice, and Applicants are fully responsible for their submissions. Assistance may also be requested to Agency staff in the form of requests to speak at meetings, events, and conferences to explain program provisions and answer questions about this funding announcement. Responses to questions regarding program provisions and this funding announcement will be posted to the New ERA FAQ page. Information on contacting an RUS GFR can be found at <https://www.rd.usda.gov/contact-us/electric-gfr>. For requests regarding speaking engagements, please email: SM.RD.RUS.IRA.Questions@usda.gov.

2. Letters of Interest Submission Deadlines: The Agency will begin accepting LOIs for the New ERA Program beginning at 11:59 a.m. ET on July 31, 2023, and until 11:59 p.m. ET on September 15, 2023.

The LOIs must be submitted electronically thru www.grants.gov. The New ERA funding opportunity in Grants.gov can be found by searching for the funding opportunity number found in the **SUPPLEMENTARY INFORMATION** section of this Notice. Please review the Grants.gov website at <https://www.grants.gov/web/grants/register.html> for instructions on the process of registering an organization as soon as possible to ensure that all electronic application deadlines are met. Grants.gov will not accept applications submitted after the deadline.

III. Program Requirements

To be eligible for an award, applications must meet all of the requirements contained in the NOFO published in the **Federal Register** on May 16, 2023, at 88 FR 31218. Information can also be found at <https://www.rd.usda.gov/programs-services/electric-programs/empowering-rural-america-new-era-program>.

Andrew Berke,

Administrator, Rural Utilities Service.

[FR Doc. 2023–15897 Filed 7–26–23; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction to meeting type.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Friday, June 16, 2023, concerning a meeting of the Nebraska Advisory Committee. The meeting type has since changed.

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, vmoreno@usccr.gov.

Correction: In the **Federal Register** on Friday, June 16, 2023, in FR Document Number 2023–12875, on pages 39396–39397, first column, correct the meeting type to: Community Forum, Wednesday, August 9, 2023 from 1:00pm–4:00pm CST.

Dated: July 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15885 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public 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 Wyoming Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public forum via Zoom at 1 p.m. MT on Monday, September 18, 2023. The purpose of this meeting is to hear testimony from individuals impacted by housing discrimination in the state.

DATES: Monday, September 18, 2023, from 1 p.m.–3 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): <https://www.zoomgov.com/j/1603845385>.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 160 384 5385.

FOR FURTHER INFORMATION CONTACT:

Kayla Fajota, Designated Federal Officer, at kfajota@usccr.gov or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration 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. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at lschiller@usccr.gov at least 10 business days prior to the meeting.

Members of the public are 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 Kayla Fajota at kfajota@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Wyoming 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 lschiller@usccr.gov.

Agenda

- I. Welcome & Roll Call
- II. Opening Remarks
- III. Public Forum
- IV. Public Comment
- V. Closing Remarks
- VI. Adjournment

Dated: July 24, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15943 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the California Advisory Committee**

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meetings.

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 the California Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of virtual business meetings via ZoomGov on the following dates and times listed below. These meetings are for the purpose of reviewing and discussing the latest draft of their report on the civil rights implications of AB5.

DATES: These meetings will take place on:

- Friday, October 6, 2023, from 1:00 p.m.–2:30 p.m. PT
- Friday, November 3, 2023, from 1:00 p.m.–2:30 p.m. PT
- Friday, December 1, 2023, from 1:00 p.m.–2:30 p.m. PT

Zoom Link To Join: <https://www.zoomgov.com/meeting/register/vJltc-Cppj4tEwuaYQDhCjO8NPtQyYyDIZw>.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO) at bpeery@usccr.gov or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the registration 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. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialist at atrevino@usccr.gov at least 10 business days prior to 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 meeting. Written comments may be emailed to Brooke Peery (DFO) at bpeery@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ>.

Please click on the “Meeting Details” and “Documents” links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission’s website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at (312) 353–8311.

Agenda

- I. Welcome & Roll Call
- II. Committee Discussion
- III. Public Comment
- IV. Adjournment

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15888 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights**

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will host an in-person Community Forum in Lincoln. The purpose of the meeting is to gather testimony regarding the Covid–19 Pandemic on education in the state, with a focus on digital divide and increasing mental health challenges. The Committee seeks to hear from students, teachers and other stakeholders on their experiences and in areas in which they still need support.

DATES: Wednesday, August 9, 2023, from 1:00 p.m.–4:00 p.m. Central Time]

ADDRESSES: Embassy Suites Lincoln, Room Regents B, 1040 P Street, Lincoln, NE 68506

FOR FURTHER INFORMATION CONTACT:

Victoria Moreno, Designated Federal Officer, at vmoreno@usccr.gov or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: Members of the public are entitled to make comments during the open period towards the end of the Community Forum if you did not speak during the Community Forum.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at vmoreno@usccr.gov.

Persons who desire additional information may contact the Regional Programs Coordination Unit at 434–515–0204. Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Nebraska 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 vmoreno@usccr.gov.

Agenda

- I. Welcome & Roll Call
- II. Public Comment
- III. Next Steps
- IV. Adjournment

Dated: July 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15886 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS**Notice of Public Meeting of the New York Advisory Committee to the U.S. Commission on Civil Rights**

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice 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 New York Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of the meeting is to discuss major themes and issues that have emerged from panel briefings I through VII on the New York child welfare system and its impact on Black children and families.

DATES: Friday, August 18, 2023, from 1:00 p.m.–3:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual):
<https://bit.ly/3OkM2rO>.

Join by Phone (Audio Only): 1–669–254–5252; Webinar ID: 160 034 0769#.

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg, DFO, at mtrachtenberg@usccr.gov or 1–202–809–9618.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration 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 captioning is available by selecting “CC” in the meeting platform. To request additional accommodations, please email svillanueva@usccr.gov at least 10 business days prior to the meeting.

Members of the public are 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 Mallory Trachtenberg at mtrachtenberg@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, New York 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 svillanueva@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Discussion
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: July 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15881 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee; Update

AGENCY: Commission on Civil Rights.

ACTION: Notice; update meeting date.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Monday, March 20, 2023, concerning a meeting of the California Advisory Committee. The meeting date has since changed.

FOR FURTHER INFORMATION CONTACT:

Brooke Peery (DFO), bpeery@usccr.gov.

Correction: In the **Federal Register** on Tuesday, March 20, 2023, in FR Document Number 2023–16586, on pages 16586 and 16587, third and first columns, change the meeting date from August 11, 2023, to August 18, 2023. In addition, the link to join will remain the same: https://www.zoomgov.com/meeting/register/vJltdemgrTloH3ECxG_1nKQsiTklnVcYIUE.

Dated: July 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023–15883 Filed 7–26–23; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the California Advisory Committee

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 (FACA) that the California Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a business meeting via ZoomGov on

Friday, September 8, 2023, from 1:00 p.m.–2:30 p.m. Pacific time for the purpose of reviewing and discussing the latest draft of their report on the civil rights implications of AB5.

DATES: This meeting will take place on:

- Friday, September 8, 2023, from 1:00 p.m.–2:30 p.m. PT.

ZOOM LINK TO JOIN: https://www.zoomgov.com/meeting/register/vJltdemgrTloH3ECxG_1nKQsiTklnVcYIUE.

FOR FURTHER INFORMATION CONTACT:

Brooke Peery, Designated Federal Officer (DFO) at bpeery@usccr.gov or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the registration 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. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialist at atrevino@usccr.gov at least 10 business days prior to 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 meeting. Written comments may be emailed to Brooke Peery (DFO) at bpeery@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkUAAQ>.

Please click on the “Meeting Details” and “Documents” links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work

of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at (312) 353-8311.

Agenda

- I. Welcome & Roll Call
- II. Committee Discussion
- III. Public Comment
- IV. Adjournment

Dated: July 21, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-15882 Filed 7-26-23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-878]

Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea) were not sold in the United States at less than normal value (NV) during the period of review (POR), July 1, 2021, through June 30, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 27, 2023.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or William Horn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3640 or (202) 482-4868, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2016, Commerce published the antidumping duty order on CORE from Korea.¹ Commerce

¹ See *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390 (July 25, 2016) (Order); and *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Notice of Correction to the Antidumping Duty Orders*, 81 FR 58475 (August 25, 2016).

initiated this administrative review on September 6, 2022.² This review covers eight companies,³ of which we selected Dongkuk and Hyundai as mandatory respondents.⁴

On March 22, 2023, we extended the deadline for the preliminary results of this review until July 21, 2023.⁵ For a detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁶

Scope of the Order

The merchandise covered by the Order is CORE from Korea. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 54468 (September 6, 2022).

³ The eight companies are: Dongkuk Steel Mill Co., Ltd. (Dongkuk); Hyundai Steel Company (Hyundai); KG Dongbu Steel Co., Ltd.; POSCO; POSCO International Corporation; POSCO STEEELON CO., Ltd.; SeAH Coated Metal; and SeAH Steel Corporation.

⁴ See Memorandum, "Respondent Selection," dated October 4, 2022.

⁵ See Memorandum, "Extension of Deadline for Preliminary Results of 2021–2022 Antidumping Duty Administrative Review," dated March 22, 2023.

⁶ See Memorandum, "Decision Memorandum for Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Steel Products from the Republic of Korea; 2021–2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Rate for Non-Examined Companies

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an antidumping duty investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely {on the basis of facts available}."

However, where the dumping margins for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated." In this review, we have calculated weighted-average dumping margins for both Dongkuk and Hyundai, the mandatory respondents, that are zero. Thus, using section 735(c)(5)(B) of the Act as guidance, we are assigning to the companies not selected for individual examination, the zero percent rate calculated for the mandatory respondents.

Preliminary Results

We preliminarily determine the following weighted-average dumping margins for the period July 1, 2021, through June 30, 2022:

Exporter/producer	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd ..	0.00
Hyundai Steel Company	0.00
KG Dongbu Steel Co., Ltd ...	0.00
POSCO	0.00
POSCO International Cor- poration	0.00
POSCO STEEELON Co., Ltd	0.00
SeAH Coated Metal	0.00

Exporter/producer	Weighted-average dumping margin (percent)
SeAH Steel Corporation	0.00

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results of review to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.⁷ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.⁸ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electronic records system, ACCESS, within 30 days after the date of publication of this notice.¹⁰ Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold a hearing at a time and date to be determined.¹¹ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions to Commerce must be filed using ACCESS¹² and must be served on interested parties.¹³ An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹⁴

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any case or rebuttal briefs, no later than 120 days after the date of publication of this notice, unless this deadline is extended.¹⁵

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. For any individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.5 percent) in the final results of this review and the respondent reported entered values, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made during the POR to each importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). If the respondent has not reported entered values, we will calculate a per-unit assessment rate for each importer by dividing the total amount of dumping calculated for the examined sales made to that importer by the total quantity associated with those transactions. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values.

Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). If a respondent's weighted-average dumping margin is

zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries without regard to antidumping duties.¹⁶

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by any of the above-referenced respondents for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value (LTFV) investigation (as amended)¹⁷ if there is no rate for the intermediate company(ies) involved in the transaction.¹⁸

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this

⁷ See 19 CFR 351.309(c)(1)(ii).

⁸ See 19 CFR 351.309(d)(1) and (2); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020) ("To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect)."); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID 19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

⁹ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁰ See 19 CFR 351.310(c).

¹¹ See 19 CFR 351.310(d).

¹² See 19 CFR 351.303.

¹³ See 19 CFR 351.303(f).

¹⁴ See *Temporary Rule*.

¹⁵ See section 751(a)(3)(A) of the Act; and 19 CFR 351.213(h).

¹⁶ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

¹⁷ See *Order; Certain Corrosion-Resistant Steel Products from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination of Investigation and Notice of Amended Final Results*, 83 FR 39054 (August 8, 2018) (*Timken and Amended Final Results*).

¹⁸ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

review, or the underlying investigation, but the producer is, then the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 8.31 percent, the all-others rate established in the LTFV investigation (as amended).¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2023-15949 Filed 7-26-23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-842]

Passenger Vehicle and Light Truck Tires From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that passenger vehicle and light truck tires (PVLTV) from Thailand were sold in the United States at less than normal value during the period of review (POR) January 6, 2021, through June 30, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 26, 2023.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Jacob Saude, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2371 or (202) 482-0981, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2022, Commerce published in the **Federal Register** a notice of opportunity¹ to request an administrative review of the antidumping duty order on PVLTV from Thailand.² On September 6, 2022, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the Order.³ On March 24, 2023, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results until July 20, 2023.⁴

For a detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.⁵ A list of the topics included in the Preliminary Decision Memorandum is included as

¹ See *Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 39461 (July 1, 2022).

² See *Passenger Vehicle and Light Truck Tires from the Republic of Korea, Taiwan, and Thailand: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determination for Thailand*, 86 FR 38011 (July 19, 2021) (Order).

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 54463 (September 6, 2022). See also *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 7060 (February 2, 2023).

⁴ See Memorandum, "Passenger Vehicle and Light Truck Tires from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 24, 2023.

⁵ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Passenger Vehicle and Light Truck Tires from Thailand; 2021–2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The products covered by the Order are PVLTV from Thailand. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margins exist for the period January 6, 2021, through June 30, 2022:

Producer/exporter	Weighted-average dumping margin (percent)
Sentury Tire (Thailand) Co., Ltd	1.24
Sumitomo Rubber (Thailand) Co., Ltd	6.16
Non-Examined Companies ⁶	4.52

Rate for Companies Not Individually Examined

The Act and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value investigation, for guidance when calculating the weighted-average dumping margin for companies which were not selected for individual examination in an

¹⁹ See Order, as amended by *Timken and Amended Final Results*.

⁶ See Appendix II for a list of these companies.

administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding rates that are zero, *de minimis* (i.e., less than 0.50 percent), or determined entirely on the basis of facts available.

Where the dumping margin for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated.”

Because Commerce preliminarily calculated weighted-average dumping margins for Sentury Tire (Thailand) Co., Ltd. (Sentury) and Sumitomo Rubber (Thailand) Co., Ltd. (SRT) that are not zero or *de minimis*, or based entirely on facts available, we have preliminarily assigned the companies that were not selected for individual examination, a weighted-average dumping margin equal to the weighted average of the estimated weighted-average dumping margins calculated for Sentury and SRT, weighted by the mandatory respondents’ publicly ranged total sales values, consistent with guidance in section 735(c)(5)(A) of the Act.⁷ The companies not selected for individual examination are listed in Appendix II.

Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon in determining the final results of review.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results of review to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs to Commerce no later than seven days after the date on which the last verification report is issued in this administrative review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.⁸

⁷ See Memorandum, “Calculation of the Rate for Non-Examined Companies for the Preliminary Results,” dated concurrently with this notice.

⁸ See 19 CFR 351.309(d)(1) and (2); see also *Temporary Rule Modifying AD/CVD Service*

Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁹

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues the party intends to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.¹⁰

All submissions should be filed using ACCESS,¹¹ and must be served on interested parties.¹² Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹³ Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, 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. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International

Requirements Due to COVID-19, 85 FR 17006, 17007 (March 26, 2020).

⁹ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁰ See 19 CFR 351.310(c).

¹¹ See 19 CFR 351.303.

¹² See 19 CFR 351.303(f).

¹³ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

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).

If Sentury or SRT’s weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer’s examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer’s examined sales to the total quantity of those sales.¹⁴ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Sentury or SRT’s weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁵

In accordance with Commerce’s “automatic assessment” practice, for entries of subject merchandise during the POR produced by Sentury or SRT for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.¹⁶

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the

¹⁴ See 19 CFR 351.212(b)(1).

¹⁵ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

¹⁶ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), then the cash deposit rate will be zero); (2) for producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review or a prior segment of the proceeding but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 17.06 percent, the all-others rate established in the less-than-fair-value investigation.¹⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: July 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

¹⁷ See Order, 86 FR at 38012.

Appendix II

List of Companies Not Selected for Individual Examination

1. Deestone Corporation Ltd./Deestone Corporation Public Company Limited
2. General Rubber (Thailand) Co., Ltd.
3. LLIT (Thailand) Co., Ltd.
4. Maxxis International (Thailand) Co., Ltd.
5. Otani Radial Company Limited
6. Prinx Chengshan Tire (Thailand) Co., Ltd.
7. Sanpo (Thailand) Co., Ltd.
8. Zhongce Rubber (Thailand) Co., Ltd.

[FR Doc. 2023–15855 Filed 7–26–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–894]

Forged Steel Fluid End Blocks From India: Final Results of Countervailing Duty Administrative Review; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were provided to Bharat Forge Limited (Bharat Forge), a producer and exporter of forged steel fluid end blocks (fluid end blocks) from India during the period of review (POR), May 26, 2020, through December 31, 2021.

DATES: Applicable July 27, 2023.

FOR FURTHER INFORMATION CONTACT: Nicholas Czajkowski, 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) 482–1395

SUPPLEMENTARY INFORMATION:

Background

On February 7, 2023, Commerce published the preliminary results of this administrative review in the **Federal Register**.¹ This review covers one mandatory respondent, Bharat Forge. From April 3 through April 7, 2023, we conducted an onsite verification of Bharat Forge's questionnaire responses. On April 25, 2023, we released the verification report and invited interested parties to comment on the *Preliminary Results*.² Between May 8

¹ See *Forged Steel Fluid End Blocks from India: Preliminary Results of Countervailing Duty Administrative Review; 2020–2021*, 88 FR 7943 (March 3, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Verification of the Questionnaire Responses of Bharat Forge Limited,”

and 12, 2023, Bharat Forge, the Government of India (GOI), and the petitioners³ submitted timely-filed case briefs.⁴ On May 19, Bharat Forge and the petitioners each submitted timely-filed rebuttal briefs.⁵ On June 5, 2023, Commerce extended the deadline for the final results of this administrative review to July 20, 2023.⁶ For a complete description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.⁷

Scope of the Order⁸

The products covered by the scope of the Order are fluid end blocks. A full description of the scope of the Order is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our analysis of comments from interested parties and the evidence on the record, we revised the

dated April 25, 2023; see also Memorandum, “Briefing Schedule,” dated May 1, 2023.

³ The petitioners are Ellwood City Forge Company, Ellwood Quality Steels Company, Ellwood National Steel Company, and A. Finkl & Sons.

⁴ See Bharat Forge's Letter, “Case brief,” dated May 12, 2023; GOI's Letter, “Case Brief,” dated May 8, 2022; and Petitioners' Letter, “Case Brief,” dated May 12, 2023.

⁵ See Bharat Forge's Letter, “Rebuttal Brief,” dated May 19, 2023; and Petitioners' Letter, “Rebuttal Brief,” dated May 19, 2023.

⁶ See Memorandum, “Extension of Deadline,” dated June 5, 2023.

⁷ See Memorandum, “Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Forged Steel Fluid End Blocks from India; 2020–2021,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁸ See *Forged Steel Fluid End Blocks from the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China*, 86 FR 7535 (January 29, 2021) (Order).

calculation of the net countervailable subsidy rates for Bharat Forge. For a discussion of the issues, *see* the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For

each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁹ For a complete description of the methodology underlying all of Commerce’s conclusions, including our reliance, in part, on facts otherwise available,

including adverse facts available, pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that the net countervailable subsidy rate for the period May 26, 2020, through December 31, 2021, to be as follows:

Company	Subsidy rate (percent <i>ad valorem</i>) 2020	Subsidy rate (percent <i>ad valorem</i>) 2021
Bharat Forge	2.78	3.95

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct U.S. Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties in the amounts shown above for the above-listed companies with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Assessment Requirements

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and CBP shall assess, countervailing duties on all appropriate entries covered by this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Disclosure

Commerce intends to disclose calculations and analysis performed for the final results of review within five

days after the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of 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

The final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: July 20, 2023.
Lisa W. Wang,
Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Subsidies Valuation Information
- V. Use of Facts Otherwise Available and Application of Adverse Inferences
- VI. Analysis of Programs
- VII. Discussion of the Issues
 - Comment 1: Whether the Duty Drawback (DDB) Scheme Is Countervailable
 - Comment 2: Whether Commerce Should Revise Its DDB Benefit Calculation
 - Comment 3: Whether the Remission of Duties and Taxes on Export Products (RODTEP) Program Is Countervailable
 - Comment 4: Whether Bharat Forge’s Export Promotion of Capital Goods Scheme

(EPCGS) Information Submitted to Commerce Is Complete and Accurate
Comment 5: Whether Bharat Forge Benefitted from the Interest Equalization Scheme (IES) during the POR
VIII. Recommendation
[FR Doc. 2023–15948 Filed 7–26–23; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–073, C–570–074]

Common Alloy Aluminum Sheet From the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders; 4017 Aluminum Sheet

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The U.S. Department of Commerce (Commerce) determines that imports of aluminum sheet produced from aluminum alloy 4017 (4017 aluminum sheet) produced in the People’s Republic of China (China) and exported to the United States constitutes merchandise altered in form or appearance in such minor respects that it should be included within the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on common alloy aluminum sheet (CAAS) from China. As a result, 4017 aluminum sheet will be subject to suspension of liquidation effective August 26, 2022.
DATES: Applicable July 27, 2023.
FOR FURTHER INFORMATION CONTACT: Frank Schmitt, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

⁹ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E)

of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4880.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2023, Commerce published the *Preliminary Determination* of the circumvention inquiry of the AD and CVD orders on CAAS from China¹ with respect to 4017 aluminum sheet, produced in China and exported to the United States.² Although we invited parties to comment on the *Preliminary Determination* of this inquiry, we received no comments. We notified the U.S. International Trade Commission (ITC) of our preliminary determination and did not receive a request for consultation from the ITC.³ Commerce conducted this circumvention inquiry pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(j).

Scope of the Orders

The merchandise covered by the *Orders* is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of the *Orders* includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209-14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common

alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of the *Orders* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H-19, H-41, H-48, or H-391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Further, merchandise that falls within the scope of the *Orders* may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3030, 7606.91.3060, 7606.91.6040, 7606.92.3060, 7606.92.6040, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers aluminum sheet produced in China from aluminum alloy 4017 and exported to the United States. A complete description of the merchandise subject to the circumvention inquiry is contained in the Preliminary Decision Memorandum.⁴

Methodology

We conducted this circumvention inquiry pursuant to section 781(c) of the Act and 19 CFR 351.226(j). For a

complete description of the methodology underlying the preliminary determination, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Affirmative Final Determination of Circumvention

As detailed in the *Preliminary Determination*,⁵ we determine, on the basis of facts available with an adverse inference, that 4017 aluminum sheet produced in China and exported to the United States constitutes merchandise altered in form or appearance in such minor respects that it should be included within the scope of the *Orders*, pursuant to section 781(c) of the Act and 19 CFR 351.226(j). Commerce continues to apply this affirmative circumvention finding on a country-wide basis. Because we received no comments regarding our *Preliminary Determination*, our final determination remains unchanged from our *Preliminary Determination*. Therefore, we determine that it is appropriate to include this merchandise within the scope of the *Orders* and to instruct U.S. Customs and Border Protection (CBP) to continue to suspend any entries of 4017 aluminum sheet produced in China and exported to the United States.

Suspension of Liquidation

In accordance with 19 CFR 351.226(l)(3), based on this final determination in this circumvention inquiry, Commerce will direct CBP to begin or continue to suspend liquidation and to require cash deposits of estimated duties equal to the AD and CVD rates in effect for CAAS from China for each unliquidated entry of 4017 aluminum sheet produced in China and exported to the United States that has been entered, or withdrawn from warehouse, for consumption on or after August 26, 2022.⁶ The suspension of liquidation and cash deposit

⁵ *Id.*

⁶ See *Common Alloy Aluminum Sheet from the People's Republic of China: Initiation of Circumvention Inquiry of the Antidumping and Countervailing Duty Orders—4017 Aluminum Sheet*, 87 FR 52509 (August 26, 2022).

¹ See *Common Alloy Aluminum Sheet from the People's Republic of China: Countervailing Duty Order*, 84 FR 2157 (February 6, 2019); and *Common Alloy Aluminum Sheet from the People's Republic of China: Antidumping Duty Order*, 84 FR 2813 (February 8, 2019) (collectively, *Orders*).

² See *Common Alloy Aluminum Sheet from the People's Republic of China: Preliminary Affirmative Determination of Circumvention*, 88 FR 21998 (April 12, 2023) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

³ See Commerce's Letter, "Common Alloy Aluminum Sheet from the People's Republic of China: Preliminary Affirmative Determination of Circumvention for 4017 Aluminum Sheet of the Antidumping and Countervailing Duty Orders," dated April 7, 2023.

⁴ See *Preliminary Determination*, PDM.

requirements will remain in effect until further notice.

Administrative Protective Order

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination is published in accordance with section 781(c) of the Act and 19 CFR 351.226(g)(2).

Dated: July 21, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023–15947 Filed 7–26–23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber From Canada: Notice of Initiation of Changed Circumstances Review

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

SUMMARY: Based on a request from the Committee Overseeing Action for Lumber International Trade Investigations or Negotiations (the petitioner), the U.S. Department of Commerce (Commerce) is initiating a changed circumstances review (CCR) of the countervailing duty (CVD) order on certain softwood lumber from Canada.

DATES: Applicable July 27, 2023.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7851.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2018, Commerce published the CVD order on certain softwood lumber from Canada.¹ On May

11, 2023, the petitioner requested that Commerce initiate a CCR of the *Order*, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 251.221(c)(3).² Specifically, the petitioner requests that Commerce determine that Interfor Corporation, EACOM Timber Corporation, Chaleur Forest Products Inc., and Chaleur Forest Products LP are cross-owned entities.³

Scope of the Order

The merchandise covered by this *Order* is softwood lumber, siding, flooring and certain other coniferous wood (softwood lumber products). The scope includes:

- Coniferous wood, sawn, or chipped lengthwise, sliced or peeled, whether or not planed, whether or not sanded, or whether or not finger-jointed, of an actual thickness exceeding six millimeters.
- Coniferous wood siding, flooring, and other coniferous wood (other than moldings and dowel rods), including strips and friezes for parquet flooring, that is continuously shaped (including, but not limited to, tongued, grooved, rebated, chamfered, V-jointed, beaded, molded, rounded) along any of its edges, ends, or faces, whether or not planed, whether or not sanded, or whether or not end-jointed.
- Coniferous drilled and notched lumber and angle cut lumber.
- Coniferous lumber stacked on edge and fastened together with nails, whether or not with plywood sheathing.
- Components or parts of semi-finished or unassembled finished products made from subject merchandise that would otherwise meet the definition of the scope above.

Finished products are not covered by the scope of this *Order*. For the purposes of this scope, finished products contain, or are comprised of, subject merchandise and have undergone sufficient processing such that they can no longer be considered intermediate products, and such products can be readily differentiated from merchandise subject to this *Order* at the time of importation. Such differentiation may, for example, be shown through marks of special adaptation as a particular product. The following products are illustrative of the type of merchandise that is considered “finished,” for the purpose of this

scope: I-joists; assembled pallets; cutting boards; assembled picture frames; garage doors.

The following items are excluded from the scope of this *Order*:

- Softwood lumber products certified by the Atlantic Lumber Board as being first produced in the Provinces of Newfoundland and Labrador, Nova Scotia, or Prince Edward Island from logs harvested in Newfoundland and Labrador, Nova Scotia, or Prince Edward Island.

- U.S.-origin lumber shipped to Canada for processing and imported into the United States if the processing occurring in Canada is limited to one or more of the following: (1) Kiln drying; (2) planing to create smooth-to-size board; or (3) sanding.

- Box-spring frame kits if they contain the following wooden pieces—two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails must be radius-cut at both ends. The kits must be individually packaged and must contain the exact number of wooden components needed to make a particular box-spring frame, with no further processing required. None of the components exceeds 1” in actual thickness or 83” in length.

- Radius-cut box-spring-frame components, not exceeding 1” in actual thickness or 83” in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantially cut so as to completely round one corner.

Softwood lumber product imports are generally entered under Chapter 44 of the HTSUS. This chapter of the HTSUS covers “Wood and articles of wood.” Softwood lumber products that are subject to this *Order* are currently classifiable under the following ten-digit HTSUS subheadings in Chapter 44:

4406.11.00.00; 4406.91.00.00;
4407.10.01.01; 4407.10.01.02;
4407.10.01.15; 4407.10.01.16;
4407.10.01.17; 4407.10.01.18;
4407.10.01.19; 4407.10.01.20;
4407.10.01.42; 4407.10.01.43;
4407.10.01.44; 4407.10.01.45;
4407.10.01.46; 4407.10.01.47;
4407.10.01.48; 4407.10.01.49;
4407.10.01.52; 4407.10.01.53;
4407.10.01.54; 4407.10.01.55;
4407.10.01.56; 4407.10.01.57;
4407.10.01.58; 4407.10.01.59;
4407.10.01.64; 4407.10.01.65;
4407.10.01.66; 4407.10.01.67;
4407.10.01.68; 4407.10.01.69;
4407.10.01.74; 4407.10.01.75;
4407.10.01.76; 4407.10.01.77;
4407.10.01.82; 4407.10.01.83;
4407.10.01.92; 4407.10.01.93;
4407.11.00.01; 4407.11.00.02;

Duty Determination and Countervailing Duty Order, 83 FR 347 (January 3, 2018) (*Order*).

² See the Petitioner’s Letter, “Certain Softwood Lumber Products from Canada: Request for Changed Circumstances Review,” dated May 11, 2023 (Petitioner’s Request for CCR).

³ *Id.*

¹ See *Certain Softwood Lumber Products from Canada: Amended Final Affirmative Countervailing*

4407.11.00.42; 4407.11.00.43;
 4407.11.00.44; 4407.11.00.45;
 4407.11.00.46; 4407.11.00.47;
 4407.11.00.48; 4407.11.00.49;
 4407.11.00.52; 4407.11.00.53;
 4407.12.00.01; 4407.12.00.02;
 4407.12.00.17; 4407.12.00.18;
 4407.12.00.19; 4407.12.00.20;
 4407.12.00.58; 4407.12.00.59;
 4407.13.00.00; 4407.14.00.00;
 4407.19.00.01; 4407.19.00.02;
 4407.19.00.54; 4407.19.00.55;
 4407.19.00.56; 4407.19.00.57;
 4407.19.00.64; 4407.19.00.65;
 4407.19.00.66; 4407.19.00.67;
 4407.19.00.68; 4407.19.00.69;
 4407.19.00.74; 4407.19.00.75;
 4407.19.00.76; 4407.19.00.77;
 4407.19.00.82; 4407.19.00.83;
 4407.19.00.92; 4407.19.00.93;
 4407.19.05.00; 4407.19.06.00;
 4407.19.10.01; 4407.19.10.02;
 4407.19.10.54; 4407.19.10.55;
 4407.19.10.56; 4407.19.10.57;
 4407.19.10.64; 4407.19.10.65;
 4407.19.10.66; 4407.19.10.67;
 4407.19.10.68; 4407.19.10.69;
 4407.19.10.74; 4407.19.10.75;
 4407.19.10.76; 4407.19.10.77;
 4407.19.10.82; 4407.19.10.83;
 4407.19.10.92; 4407.19.10.93;
 4409.10.05.00; 4409.10.10.20;
 4409.10.10.40; 4409.10.10.60;
 4409.10.10.80; 4409.10.20.00;
 4409.10.90.20; 4409.10.90.40;
 4418.30.01.00; 4418.50.00.10;
 4418.50.00.30; 4418.50.00.50; and
 4418.99.10.00; 4418.99.91.05;
 4418.99.91.20; 4418.99.91.40;
 4418.99.91.95; 4421.99.98.80.⁴

Subject merchandise as described above might be identified on entry documentation as stringers, square cut box-spring-frame components, fence pickets, truss components, pallet components, flooring, and door and window frame parts. Items so identified might be entered under the following ten-digit HTSUS subheadings in Chapter 44: 4415.20.40.00; 4415.20.80.00; 4418.99.90.05; 4418.99.90.20; 4418.99.90.40;

⁴ The following HTSUS numbers have been deleted, deactivated, replaced, or are invalid: 4407.10.0101, 4407.10.0102, 4407.10.0115, 4407.10.0116, 4407.10.0117, 4407.10.0118, 4407.10.0119, 4407.10.0120, 4407.10.0142, 4407.10.0143, 4407.10.0144, 4407.10.0145, 4407.10.0146, 4407.10.0147, 4407.10.0148, 4407.10.0149, 4407.10.0152, 4407.10.0153, 4407.10.0154, 4407.10.0155, 4407.10.0156, 4407.10.0157, 4407.10.0158, 4407.10.0159, 4407.10.0164, 4407.10.0165, 4407.10.0166, 4407.10.0167, 4407.10.0168, 4407.10.0169, 4407.10.0174, 4407.10.0175, 4407.10.0176, 4407.10.0177, 4407.10.0182, 4407.10.0183, 4407.10.0192, 4407.10.0193; and 4418.90.2500. These HTSUS numbers however have not been deactivated in CBP's ACE secure data portal, as they could be associated with entries of unliquidated subject merchandise.

4418.99.90.95; 4421.99.70.40; and 4421.99.97.80.

Although these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.⁵

Initiation of Changed Circumstances Review

Pursuant to section 751(b) of the Act, Commerce will conduct a CCR upon receipt of a request from an interested party⁶ that shows changed circumstances sufficient to warrant a review of an order. In accordance with 19 CFR 351.216(d), Commerce determines that the Petitioner's Request for CCR constitutes a sufficient basis to conduct a CCR of the *Order*. Therefore, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based upon the information contained in the Petitioner's Request for CCR.

Neither the Act, the Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, or Commerce's regulations offer a definition of the term "changed circumstances," nor do they explain what aspects of a determination may be reconsidered in light of such changed circumstances. Commerce has in the past conducted CCRs regarding a variety of issues.⁷

This CCR is a request to investigate potential cross-ownership among four exporter/producers subject to the *Order* that have never been selected for individual examination: Interfor Corporation, EACOM Timber Corporation, Chaleur Forest Products Inc., and Chaleur Forest Products LP.⁸

⁵ See *Order*, 83 FR at 349.

⁶ The petitioner is an *ad hoc* association and the majority the members of the association are composed of interested parties as described in section 771(9)(C), (D), and (E) of the Act, with respect to a domestic like product.

⁷ See, e.g., *Aluminum Extrusions from the People's Republic of China: Initiation and Preliminary Results of Expedited Changed Circumstances Review*, 83 FR 34548 (July 20, 2018) (finding sufficient information to initiate a CCR to recalculate certain cash deposit rates); see also *Certain Steel Nails from Malaysia: Final Results of the Changed Circumstances Review*, 82 FR 34476 (July 25, 2017) (finding sufficient information and "good cause" to initiate a CCR to evaluate whether a company was properly utilizing the correct cash deposit rate).

⁸ We note that the nature of this CCR request is distinct from that of a CVD "successor-in-interest" (SII) CCR request that Commerce more commonly receives, which clarifies the appropriate cash deposit rate for an entity and which is governed by the practice laid out in *Certain Pasta from Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review*, 74 FR 47225 (September 15, 2009), unchanged in *Certain Pasta from Turkey: Final Results of Countervailing Duty Changed Circumstances Review*, 74 FR 54022 (October 21, 2009).

A potential affirmative finding of cross-ownership regarding Interfor Corporation, EACOM Timber Corporation, Chaleur Forest Products Inc., and Chaleur Forest Products LP could result in a cross-owned entity that is large enough to be selected as a respondent in a future administrative review.⁹ We note that this request arises in the context of a longstanding proceeding that is generally characterized by the relatively dominant position of a handful of large Canadian producers/exporters that routinely get selected as mandatory respondents within a broader field of dozens of much smaller producers/exporters. Accordingly, recognizing it is not Commerce's general practice to routinely initiate CCR requests in proceedings simply because there may be some indication of cross-ownership between two or more exporters, we find the circumstances here to be relatively unique. Moreover, the petitioner has provided a sufficient factual basis to support initiation of this CCR.

For the reasons outlined above, Commerce determines that the issue raised by the petitioner of whether Interfor Corporation, EACOM Timber Corporation, Chaleur Forest Products Inc., and Chaleur Forest Products LP are cross-owned constitutes a sufficient basis to conduct a CCR of the *Order*. Accordingly, in accordance with section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), we are initiating a CCR based upon the information contained in the petitioner's submission.

In the event that Commerce determines an expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notice of initiation of the review and the preliminary results of review into a single notice. However, we are not combining this notice of initiation with the preliminary results, pursuant to 19 CFR 351.221(c)(3)(ii), because Commerce has determined that it is necessary to issue a questionnaire to Interfor Corporation and gather additional information regarding the company's corporate structure and ownership. After examining any properly filed comments and following up with any additional questionnaires as needed, we intend to issue the preliminary results of this CCR.

Preliminary and Final Results of the CCR

Commerce intends to publish in the **Federal Register** a notice of the

⁹ This is relevant given Commerce's longstanding practice not to make *de novo* cross-ownership findings at the respondent selection stage.

preliminary results of this CCR in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i). Commerce will set forth its preliminary factual and legal conclusions in that notice regarding the factual question of whether Interfor Corporation, EACOM Timber Corporation, Chaleur Forest Products Inc., and Chaleur Forest Products LP are cross-owned.¹⁰ Unless extended, Commerce will issue the final results of this CCR in accordance with the time limits set forth in 19 CFR 351.216(e).

Notification to Interested Parties

This initiation notice is published in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(d), and 19 CFR 351.221(b)(1).

Dated: July 21, 2023.
James Maeder,
Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.
[FR Doc. 2023–15951 Filed 7–26–23; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–867]

Welded Stainless Pressure Pipe From India: Amended Final Results of Antidumping Duty Administrative Review; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the antidumping duty order on welded stainless pressure pipe (WSPP) from India to correct certain ministerial errors. The period of review is November 1, 2020, through October 31, 2021.

DATES: Applicable July 27, 2023.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On June 9, 2023, Commerce published the *Final Results* of the 2020–2021 administrative review of WSPP from

¹⁰ Commerce does not intend to identify in this CCR the appropriate cash deposit rate in the event these parties are determined to be cross-owned, as that is the purpose of a SII CCR review.

India.¹ Additionally, on June 7, 2023, Commerce informed interested parties that it had disclosed all calculations for the *Final Results* and provided them with the opportunity to submit ministerial error comments.² Subsequently, on June 12, 2023, Commerce received a timely-filed allegation on behalf of the Felker Brothers Corporation (the petitioner) regarding the calculation of the final weighted-average dumping margin for Ratnamani Metals & Tubes Ltd. India’s (Ratnamani).³ No other interested party submitted comments.

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended, (the Act), and 19 CFR 351.224(f) defines a “ministerial error” as including “errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.” With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce “will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review”

Ministerial Error

The petitioner alleges that Commerce made a ministerial error in the *Final Results*, within the meaning of section 751(h) of the Act and 19 CFR 351.224(f), when valuing international movement expenses for Ratnamani’s final dumping margin calculations. In particular, the petitioner argues that Commerce unintentionally excluded certain movement expenses when it made adjustments for other reported U.S. price-related expenses, noting that it is Commerce’s practice to include these expenses in the calculation of net U.S. price. This error resulted in an incorrect weighted-average dumping margin calculated for Ratnamani.⁴

We agree with the petitioner that a ministerial error was made in not including certain international movement expenses in the final calculation of Ratnamani’s net U.S. price. In the *Preliminary Results*, Commerce stated that it had “calculated

¹ See *Welded Stainless Pressure Pipe from India: Final Results of Antidumping Duty Administrative Review; 2020–2021*, 88 FR 37858 (June 9, 2023) (*Final Results*), and accompanying Issues and Decision Memorandum.

² See Memorandum, “Deadline for Ministerial Error Comments,” dated June 7, 2023.

³ See Petitioner’s Letter, “Ministerial Error Comments Concerning Ratnamani Metals & Tubes Ltd. India,” dated June 12, 2023.

⁴ *Id.* at 2.

export price in accordance with 772(c)(2)(A) of the Act and, where appropriate, made adjustments to the starting price for billing adjustments while deductions were made for inland freight from the plant or warehouse to the port of exportation and Indian and U.S. brokerage and handling fees.”⁵ We have revised the margin calculations for Ratnamani to include the movement expenses in question.

Details of Commerce’s analysis of the petitioner’s ministerial error allegation are included in the Ministerial Error Allegation Memorandum.⁶ The Ministerial Error Allegation Memorandum is a public document and is available 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>.

Accordingly, pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of this ministerial error in the calculation of the weighted-average dumping margin assigned to Ratnamani, which changes from 7.57 percent to 7.96 percent.⁷ Furthermore, because Ratnamani was the sole respondent in this administrative review, we are also applying this amended rate to those companies not selected for individual examination in this review.

Amended Final Results of Review

As a result of correcting these ministerial errors, Commerce determines that the following weighted-average dumping margins exist for the period November 1, 2020, through October 31, 2021:

Producer or exporter	Weighted-average dumping margin (percent)
Ratnamani Metals & Tubes Ltd	7.96
Non-Selected Companies ⁸ ..	7.96

⁵ See *Welded Stainless Pressure Pipe from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2020–2021*, 87 FR 74602 (December 6, 2022), and accompanying Preliminary Decision Memorandum at 8.

⁶ See Memorandum, “Ministerial Error Allegation,” dated concurrently with this notice (Ministerial Error Allegation Memorandum).

⁷ See Memorandum, “Amended Final Results Analysis Memorandum for Ratnamani Metals & Tubes Ltd.,” dated concurrently with this notice.

⁸ See the Appendix to this notice for a full list of the companies not individually examined in this review.

Disclosure

We will disclose the calculations performed for these amended final results to parties to this segment of the proceeding within five days of the date of the publication of these amended final results, pursuant to 19 CFR 351.224(b).

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results of the administrative review.

In accordance with 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales for each importer to the total entered value of the sales for each importer. Where an importer-specific antidumping duty assessment rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the period of review produced by Ratnamani for which the reviewed company did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies which were not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* assessment rate equal to the weighted-average dumping margin determined in these amended final results.

The amended final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the amended final results of this review and for future deposits of estimated duties, where applicable.⁹

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the amended 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 retroactively for all shipments of subject merchandise that entered, or were withdrawn from warehouse, for consumption on or after June 9, 2023, the date of publication of the *Final Results* of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in these amended final results of review; (2) for producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) if neither the exporter nor the producer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the all-others rate of 8.35 percent established in the less-than-fair-value investigation.¹⁰

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the period of review. 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.

¹⁰ See *Welded Stainless Pressure Pipe from India: Antidumping Duty and Countervailing Duty Orders*, 81 FR 81062 (November 17, 2016).

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: July 21, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Companies Not Selected for Individual Examination

1. Apex Tubes Private Ltd.
2. Apurvi Industries
3. Arihant Tubes
4. Divine Tubes Pvt. Ltd.
5. Heavy Metal & Tubes
6. J.S.S. Steelitalia Ltd.
7. Linkwell Seamless Tubes Private Limited
8. Maxim Tubes Company Pvt. Ltd.
9. MBM Tubes Pvt. Ltd.
10. Mukat Tanks & Vessel Ltd.
11. Neotiss Ltd.
12. Prakash Steelage Ltd.
13. Quality Stainless Pvt. Ltd.
14. Raajratna Metal Industries Ltd.
15. Ratnadeep Metal & Tubes Ltd.
16. Remi Edelstahl Tubulars
17. Shubhlaxmi Metals & Tubes Private Limited
18. SLS Tubes Pvt. Ltd.
19. Steamline Industries Ltd.

[FR Doc. 2023–15950 Filed 7–26–23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD156]

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

⁹ See section 751(a)(2)(C) of the Act.

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance 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) has been issued to Shell Offshore Inc. (Shell) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from July 21, 2023 through April 30, 2024.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, 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.

Summary of Request and Analysis

Shell plans to conduct a 3D ocean bottom node (OBN) survey over approximately 185 lease blocks in the Mississippi Canyon and Atwater Valley Protraction Areas, with approximate water depths ranging from 1,100 to 1,500 meters (m). See Section F of the LOA application for a map of the area.

Shell anticipates using two source vessels, with one towing dual conventional airgun array sources

consisting of 32 elements, with a total volume of 5,110 cubic inches (in³). The second source vessel is expected to tow the low-frequency tuned pulse source (TPS). This source was not included in the acoustic exposure modeling developed in support of the rule. However, the TPS source was previously described and evaluated in the notice of issuance of a previous LOA to Shell (86 FR 37309, 37310; July 15, 2021; see also 87 FR 55790, 55791 (September 12, 2022 (notice of issuance of LOA to Shell))). For additional detail regarding sources, see Section C of the LOA application. Based on this information we have determined there will be no effects of a magnitude or intensity different from those evaluated in support of the rule. NMFS therefore expects that use of modeling results supporting the final rule relating to use of the 72 element, 8,000 in 3 airgun array are expected to be significantly conservative as a proxy for use in evaluating potential impacts of use of the low-frequency source. The conventional airgun arrays will be used for the majority of the survey and will fire in a flip-flop pattern on a 50 x 50 m shot grid. The low-frequency source will be used to acquire velocity data on a 50 x 200 m shot grid. A separation distance of at least 2,500 m will be maintained between each vessel.

Consistent with the preamble to the final rule, the survey effort proposed by Shell in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5398, January 19, 2021). In order to generate the appropriate take numbers for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone;¹) (3) number of days; and (4) season.² The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR

¹ For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

² For purposes of acoustic exposure modeling, seasons include winter (December–March) and summer (April–November).

29212, 29220; June 22, 2018). Coil was selected as the best available proxy survey type in this case because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned 3D OBN survey will involve two source vessels sailing along survey lines up to 56 kilometers (km) in length. The coil survey pattern was assumed to cover approximately 144 kilometers squared (km²) per day (compared with approximately 795 km², 199 km², and 845 km² per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (e.g., area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although Shell is not proposing to perform a survey using the coil geometry, its planned 3D OBN survey is expected to cover an average area of 55 km² per day, meaning that the coil proxy is most representative of the effort planned by Shell in terms of predicted Level B harassment exposures.

All available acoustic exposure modeling results assume use of a 72-element, 8,000 in³ array. Thus, take numbers authorized through the LOA are considered conservative due to differences in the sound sources planned for use (32 element, 5,100 in³ airgun array and low-frequency sources), as compared to the source modeled for the rule.

The survey will take place over approximately 80 days, including 58 days of sound source operation, all within Zone 5. Although Shell's application states that all survey days would occur in the "Winter" season, NMFS assumes that the seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the season that produces the greater value.

For some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. Thus, although the modeling conducted for the rule is a natural starting point for estimating

take, the rule acknowledged that other information could be considered (see, e.g., 86 FR 5442, January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public. For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

NMFS' final rule described a "core habitat area" for Rice's whales (formerly known as GOM Bryde's whales)³ located in the northeastern GOM in waters between 100–400 m depth along the continental shelf break (Rosel *et al.*, 2016). However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.*, 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling identified similar habitat (i.e., approximately 100–400 m water depths along the continental shelf break) as being potential Rice's whale habitat (Roberts *et al.*, 2016), although the core habitat area contained approximately 92 percent of the predicted abundance of Rice's whales. See discussion provided at, e.g., 83 FR 29228, 83 FR 29280 (June 22, 2018); 86 FR 5418 (January 19, 2021).

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of suitable habitat described above (i.e., 100–400 m) and that, based on the few available records, these occurrences would be rare. Shell's planned activities will occur in water depths of approximately 1,100–1,500 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice's whale in association with this survey and, accordingly, does not authorize take of Rice's whale through this LOA.

Killer whales are the most rarely encountered species in the GOM,

typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. NMFS has determined that the approach results in unrealistic projections regarding the likelihood of encountering killer whales.

As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.*, 2013; www.boem.gov/gommapps). Two other species were also observed on fewer than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale⁴). However, observational data collected by PSOs on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as

³ The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

⁴ However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

discussed at 86 FR 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounters during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives 1–30 m in depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. This survey would take place in deep waters that would overlap with depths in which killer whales typically occur. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. NMFS’ determination in reflection of the data discussed above, which

informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales will generally result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5403; January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species, such as killer whales in the GOM, through authorization of take of a single group of average size (*i.e.*, representing a single potential encounter). See 83 FR 63268; December 7, 2018. See also 86 FR 29090; May 28, 2021 and 85 FR 55645; September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of killer whales is more likely than the model-generated estimates and has authorized take associated with a single group encounter (*i.e.*, up to 7 animals).

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See Table 1 in this notice and Table 9 of the rule (86 FR 5322; January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS’ discussion of the MMPA’s small

numbers requirement provided in the final rule (86 FR 5438; January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5404; January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS’ small numbers determinations, as depicted in Table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391; January 19, 2021). For this comparison, NMFS’ approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Rice’s whale	0	n/a	51	0
Sperm whale	1,526	645	2,207	29.2
<i>Kogia</i> spp	³ 577	206	4,373	4.7
Beaked whales	6,733	680	3,768	18.0
Rough-toothed dolphin	1,158	332	4,853	6.8
Bottlenose dolphin	5,486	1,574	176,108	0.9
Clymene dolphin	3,258	935	11,895	7.9
Atlantic spotted dolphin	2,191	629	74,785	0.8
Pantropical spotted dolphin	14,784	4,243	102,361	4.1
Spinner dolphin	3,961	1,137	25,114	4.5
Striped dolphin	1,272	365	5,229	7.0
Fraser’s dolphin	366	105	1,665	6.3
Risso’s dolphin	957	282	3,764	7.5
Melon-headed whale	2,140	631	7,003	9.0

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Pygmy killer whale	504	149	2,126	7.0
False killer whale	801	236	3,204	7.4
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	619	183	1,981	9.2

¹ Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice’s whale and killer whale, the larger estimated SAR abundance estimate is used.

³ Includes 31 takes by Level A harassment and 546 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of Shell’s proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 21, 2023.

Angela Somma,

Acting Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 2023–15860 Filed 7–26–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare an Integrated Feasibility Report and Environmental Impact Statement for the San Francisco Waterfront Coastal Flood Study, San Francisco County, California

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DoD.

ACTION: Notice of Intent to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement for the San Francisco Waterfront Coastal Flood

Study, San Francisco County, California.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality regulations, the U.S. Army Corps of Engineers (USACE), Tulsa District, announces its intent to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (IFR–EIS) for the San Francisco Waterfront Coastal Flood Study. The study will investigate the feasibility of managing tidal and fluvial flooding and sea level rise along 7.5 miles of the San Francisco Waterfront, from Aquatic Park to Herons Head Park, in the City of San Francisco, San Francisco County, California. This notice announces USACE’s intent to determine the scope of the issues to be addressed and identify the significant issues related to a proposed action.

DATES: Written comments should be submitted by August 28, 2023.

ADDRESSES: Written comments related to the development of the Draft IFR–EIS may be submitted by any of the following methods:

- Email: SFWFRS@usace.army.mil.
- Mail: U.S. Army Corps of Engineers, Tulsa District, ATTN: RPEC–SFWS, 2488 E 81st Street, Tulsa, OK 74137.
- For more information visit the project website at: <https://sfport.com/wrp/usace>.

FOR FURTHER INFORMATION CONTACT: Questions or comments regarding the proposed Draft IFR–EIS may be directed to Ms. Melinda Fisher at 918–669–7423 or by email at SFWFRS@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Authority.* The San Francisco Waterfront Coastal Flood Study (the Study) was originally authorized under section 110 of the Rivers and Harbors Act of 1950, Public Law (Pub. L.) 515, 64 stat. 163. The project was subsequently authorized under Section 142 of the Water Resources

Development Act (WRDA) of 1976, Pub. L. 94–587, 90 stat. 2917, 2930, as amended by Section 705 of WRDA of 1986, Pub. L. 99–662, 100 stat. 4082, 4158 and section 203 of WRDA 2020.

2. *Background.* The USACE and the Port of San Francisco (Port) have partnered to study flood risk along 7.5 miles of San Francisco’s bayside shoreline including areas between Aquatic Park and Heron’s Head Park. The Study is one of several coordinated waterfront resiliency efforts being undertaken by the Port in partnership with other federal, state, and local agencies to plan and reduce the risk of anticipated seismic activity, flooding, coastal storm damages, and sea level rise along the waterfront.

The Study began in 2018 under the USACE San Francisco District, South Pacific Division and was transferred to the Tulsa District out of the Southwestern Division in 2021. The Study follows the USACE Specific, Measurable, Attainable, Risk Informed, and Timely (SMART) planning process which targets a feasibility study to be completed within three years, but due to several complexities, including consideration of seismic conditions and the diversity of the geographic regions and stakeholders, the Study has been approved to complete the process in seven years.

3. *Purpose and Need.* The purpose of the Study is to investigate the feasibility of managing tidal and fluvial flooding and sea level rise along 7.5 miles of the San Francisco Bay shoreline. The project area is at risk of flooding from bay water during coastal storms, extreme tides, and future sea level rise. Flooding along the waterfront could cause extensive damage to public infrastructure and private property, loss of life and deterioration of public health and safety, degradation of the natural environment, and adverse changes to the social and economic character of the waterfront community. The risk is

expected to increase over time as sea levels rise in the bay.

4. *Proposed Action and Alternatives Being Considered.* Adapting the waterfront will require changes on a large scale that balance multiple factors and priorities. The Study Team has formulated an array of alternatives that would reduce the risk of flooding along the waterfront by considering the three USACE sea level rise curve scenarios (low, intermediate, and high), alignment of the line of defense relative to the existing shoreline, and adaptability of the design to address higher sea levels if certain thresholds are triggered after construction. A total of seven alternatives have been formulated for this study including:

- *Alternative A—No Action:* Takes no action to reduce flood risks through this project. This alternative serves as the baseline condition.

- *Alternative B—Nonstructural:* Proposes nonstructural measures such as relocation, raise in place, floodproofing, and zoning in areas identified with frequent flooding.

- *Alternative C—Defend Low Rate of Rise:* Uses a combination of structural (e.g., t-walls, sheet pile walls, berms, curb extensions), nonstructural (e.g., deployable flood barriers, floodproofing), and natural and nature-based features (NNBF) (e.g., ecological armoring) to address flooding in “low spots” along the shoreline. This alternative does not include any future year actions or adaptability once construction is complete.

- *Alternative D—Hybrid, Lower Rate of Rise:* Similar to Alternative C except measures are adaptable for future construction assuming the rate of rise accelerates to a higher rate of sea level change. Ecotone levees, ecological armoring, and wetland preservation and restoration are additional NNBF included in this design.

- *Alternative E—Defend, Higher Rate of Rise:* Uses a combination of structural (e.g., wharf raises and rehabilitation, seawalls, sheet pile walls, and berms), nonstructural (e.g., building and bridge raises, floodproofing) and NNBF (e.g., living seawalls/vertical shoreline, embankment shorelines, ecotone levees, and naturalized shorelines) to defend at the existing shoreline and prevent overtopping at the higher rate of sea level change with recommendations for adaptation in future years.

- *Alternative F—Working with Water, Higher Rate of Rise:* Similar to Alternative E, except there is managed retreat inland along the southern waterfront and tide gates at the mouths of Islais and Mission creeks. The NNBF include ecotone levees, ecological

armoring, naturalized shorelines, coarse beaches, and wetland preservation and restoration. Additional retreat and adaptations are proposed as the rate of sea level rise increases. This alternative proposes the most bayward alignment.

- *Alternative G—Living with Water, Higher Rate of Rise:* Similar to Alternative F, except this alternative concedes the largest area for managed retreat and incorporates more nonstructural measures (e.g., relocation and zoning) and significantly more areas of wetland restoration. It does not include water control structures (i.e., tide gates). This alternative proposes the most inland alignment and does not require bay fill.

5. *Brief Summary of Expected Impacts.* Expected impacts include short- and long-term impacts to existing aquatic habitats, fish and wildlife including federally protected species and their habitat, water quality, air quality, aesthetic quality, noise, transportation corridors, recreation features, historic resources, and socioeconomic resources. Impacts anticipated to require compensatory mitigation include aquatic habitats, water quality, and air quality, while many of the impacts to other resources will be minimized or avoided through project design. Long-term benefits are anticipated to each of the socioeconomic resources such as life safety, critical infrastructure, utilities, historic resources, historically disadvantaged communities, recreation, and the local economy through the management of coastal flooding and sea level rise. Long-term increases in aquatic habitats may also be realized with implementation of the NNBF.

The USACE San Francisco District and Port issued a Notice of Early Scoping in the **Federal Register** August 20, 2020. At that time, it was unclear if significant effects would be realized and the need for an EIS was not formally announced. Since then, it was determined that significant resource impacts are anticipated and an EIS is warranted. During early scoping, several significant environmental and social issues were raised including but not limited to minimizing bay fill; effects of high rates of sea level rise on any alternative considered; disruptions to businesses, transportation corridors and walk paths; environmental justice impacts on historically disadvantaged communities; impacts to water quality, contaminated sites, historic resources; and the potential cost and time to implement any of the strategies. In general, there was wide support for use of nature-based measures in lieu of gray infrastructure, preserving and increasing

public access to the waterfront, and incorporating adaptation components to address uncertainties in sea level rise.

6. *Anticipated Permits, Consultations, or Coordination.* The proposed action is being coordinated with federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, the USACE will consult with the following agencies: US Fish and Wildlife Service and National Marine Fisheries Service under the Fish and Wildlife Coordination Act and Endangered Species Act; National Marine Fisheries Service under the Marine Mammal Protection Act and Magnuson-Stevens Fishery Conservation and Management Act; the San Francisco Bay Regional Water Quality Control Board under Section 401 of the Clean Water Act; the Bay Conservation and Development Commission under the Coastal Zone Management Act; the Bay Area Air Quality Management District under the Clean Air Act; the California State Historic Preservation Office and the Advisory Council on Historic Preservation under the National Historic and Preservation Act; and tribes under tribal coordination policies and executive orders. Other Federal and state agencies have been invited to participate throughout the study process as Coordinating or Participating Agencies.

For compliance with the National Environmental Policy Act (NEPA), the USACE will serve as the lead Federal agency in the preparation of the Draft IFR-EIS. For the California Environmental Quality Act (CEQA), the City of San Francisco Planning Department (Planning Department) is the lead agency for the Study. The Planning Department is conducting CEQA review under a separate process and will not be integrated with this NEPA effort.

7. *Public Participation.* USACE invites all affected federal, state, and local agencies, affected Native American Tribes, other interested parties, and the public to participate in the NEPA process during development of the Draft IFR-EIS.

Early scoping began in 2020, however due to the scale of anticipated effects, the USACE is inviting additional comments on the potential alternatives, issues of concern and any analyses relevant to the proposed action with this notice and formally announces the intent to prepare an EIS. For more information visit the project website at <https://sfport.com/wrp/usace>.

The scoping comment period begins with publication of this notice and ends on August 28, 2023. All comments

received during early scoping and the scoping period are being used to identify significant resources and effects that should be considered in the preparation of the Draft IFR–EIS.

Comments received after the comment period closes will be considered prior to the Draft IFR–EIS public review period, to the extent possible. For those that cannot be addressed prior to the public review period, the comments will be included within the public review period and addressed at that time.

While no public scoping meetings are scheduled during this scoping period, virtual public scoping meetings were held on September 16 and 17, 2020 coinciding with the Notice of Early Scoping issued in the **Federal Register** August 2020. The Port has also held numerous public engagement sessions including a robust outreach effort in the Fall of 2022 with a total of sixteen virtual and in-person public engagement events to further describe the purpose of the Study and strategies being considered, as well as to seek feedback on areas of concern and the plan formulation process.

8. *Availability of Draft IFR–EIS.* The USACE currently estimates that the Draft IFR–EIS will be available for public review and comment in the Fall of 2023. At that time, the USACE will provide a 60-day public review period for individuals and agencies to review and comment. The USACE will notify all interested agencies, organizations, and individuals of the availability of the draft document at that time. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the Draft EIS circulation.

Wesley E. Coleman, Jr.

Programs Director, Southwestern Division.

[FR Doc. 2023–15898 Filed 7–26–23; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0142]

Agency Information Collection Activities; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a

revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 25, 2023.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <https://www.regulations.gov> by searching the Docket ID number ED–2023–SCC–0142. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <https://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](https://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Julie Laurel, 202–453–6733.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how

might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report.

OMB Control Number: 1840–0640.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 206.

Total Estimated Number of Annual Burden Hours: 2,297.

Abstract: Ronald E. McNair Postbaccalaureate Achievement (McNair) Program grantees must submit the Annual Performance Report each year. The reports are used to evaluate grantees' performance for substantial progress, respond to the Government Performance and Results Act (GPRA), and award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the McNair Program on the academic progress of participating students.

In this revision, the Department added two fields, at the project level, requesting information on the implementation of the Competitive Preference Priorities (CPPs) used in the most recent grant competition. The addition of the CPP questions coupled with an increase in the number of respondents resulted in a slight increase in total annual burden hours.

Dated: July 24, 2023.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2023–15963 Filed 7–26–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2023–FSA–0109]

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, U.S. Department of Education.

ACTION: Notice of a Modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended

(Privacy Act), the U.S. Department of Education (Department) publishes this notice of a modified system of records entitled “Common Services for Borrowers (CSB)” (18–11–16). The information contained in this system is maintained for various purposes relating to aid applicants and recipients, cosigners, and endorser of loan applications for Federal title IV, Higher Education Act of 1965, as amended (HEA) program funds.

DATES: Submit your comments on this modified system of records notice on or before August 28, 2023.

This modified system of records notice will become applicable upon publication in the **Federal Register** on July 27, 2023, unless it needs to be changed as a result of public comment, “CATEGORIES OF USERS AND PURPOSES OF SUCH USES,” which will become applicable on August 28, 2023, unless it needs to be changed as a result of public comment. The Department will publish any changes to the modified system of records notice resulting from public comment.

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

- **Federal eRulemaking Portal:** Go to www.regulations.gov to submit your comments electronically. Information on using [Regulations.gov](https://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the “FAQ” tab.

Privacy Note: The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other

documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mark LaVia, Executive Director, Servicing, Student Experience and Aid Delivery, Federal Student Aid, U.S. Department of Education, 1300 Market St., 5th floor, Philadelphia, PA 19107. Telephone: 202–805–4376. Email: Mark.LaVia@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act, the Department proposes to modify the system of records notice entitled “Common Services for Borrowers (CSB)” (18–11–16), which was last published in full in the **Federal Register** on September 13, 2022 (87 FR 56003).

The Department is modifying the section entitled “SYSTEM LOCATION” as follows:

(i) For Nelnet Servicing, LLC, clarifying that the backup site in Sioux Falls, SD is the system hosting backup site; separating the imaging center locations from the mail fulfillment locations; clarifying that the Lincoln, NE, location previously designated as a contact center location is the location of an imaging center; adding a new imaging center location in Madison, WI; deleting the contact center location in Aurora, CO, updating the addresses of the contact center locations in Lincoln, NE and Omaha, NE; and adding new contact center locations in Boscobel, WI, Brownsville, TX, Columbus, NE, Eau Claire, WI, Madison, WI, Sidney, NE, and Stevens Point, WI;

(ii) For Aidvantage, for the mail fulfillment and imaging centers, deleting the location in Wilkes-Barre, PA, and adding a new location in Greenville, TX; and for contact centers, deleting and replacing the locations in Fishers, IN, Wilkes-Barre, PA, and Muncie, IN, with a note explaining that Aidvantage employs a fully remote contact center model where Customer Service Representatives manage customer calls in a distributed environment utilizing secure internet connections and using centrally managed technology;

(iii) For the Missouri Higher Education Loan Authority, deleting the Boyers, PA, and Sterling Forest, NY, locations; and adding a new additional location in Washington, DC; and

(iv) Updating the name of the Department contractor “North Texas Higher Education Servicing Corp. (NFPHESC—EdFinancial)” to “EdFinancial;” and for EdFinancial; clarifying that the North Bellevue, NE location is the Nelnet system hosting site and that the Sioux Falls, SD location is the Nelnet system hosting backup site; and adding new FISERV system hosting and system hosting backup site locations in Omaha, NE, and Chandler, AZ, new mail fulfillment and imaging center locations in West Sacramento, CA, and North Monroe, NC, and new contact center locations in Montgomery, AL, and Concord, NH.

The Department is modifying the section entitled “PURPOSE(S) OF THE SYSTEM” to add new purpose (24) to determine whether an aid recipient who is applying for an income-driven repayment (IDR) plan or recertifying an IDR plan has provided consent/affirmative approval to redisclose Federal Tax Information (FTI) of such individuals pursuant to clause (iv) of section 6103(l)(13)(D) of the Internal Revenue Code (IRC) of 1986 and for the disclosure of records by the Department to the Internal Revenue Service (IRS) to obtain FTI and for the IRS to disclose FTI to the Department as referenced in Section 494(a) of the HEA (20 U.S.C. 1098h(a)) for the purpose of determining repayment obligation monthly amounts for an IDR plan under title IV of the HEA with respect to loans made under part D of title IV of the HEA (Direct Loan Program).

The Department is modifying the section entitled “CATEGORIES OF RECORDS IN THE SYSTEM” as follows:

(i) Adding a new “Note” section to explain that beginning with the 2024–2025 award year application cycle, the IRS will disclose FTI directly to the Department for use by the Department in processing the Free Application for Federal Student Aid (FAFSA®) and making aid eligibility determinations under a program authorized under subpart 1 of part A, part C, or part D of title IV of the HEA and that FTI will not be maintained in this system. All FTI that the Department will obtain directly from the IRS under the authority provided by the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act will be maintained within the FTI Module (FTIM) system that will be compliant with the IRS Publication 1075, “Tax Information Security Guidelines for Federal, State and Local Agencies, Safeguards for Protecting Federal Tax Returns and Return Information,” and that will be covered under the Department’s system of

records notice entitled “FUTURE Act System (FAS)” (18–11–23). This system will continue to maintain both historical and applicant-provided income information (either through a manual FAFSA entry or submission of alternative documentation of income (ADOI) through the IDR process). Any reference to income throughout this system of records notice refers to income information that the Department did not obtain directly from the IRS but obtained from the applicant or from another source; and

(ii) The third paragraph of this section is updated to include consent/affirmative approval to include permitting the Department to disclose records to the IRS to obtain FTI and to permit the disclosure and redisclosure of the FTI, monthly payment amounts, and ADOI.

The Department is modifying the section entitled “RECORD SOURCE CATEGORIES” to indicate that information is also obtained from other Department systems including the Common Origination and Disbursement (COD) system (covered by the Department’s system of records notice entitled “Common Origination and Disbursement (COD) System” (18–11–02)) and the National Student Loan Data System (NSLDS) (covered by the Department’s system of records notice entitled “National Student Loan Data System (NSLDS)” (18–11–06)) or any successor systems thereto.

The Department is modifying the section entitled “ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS” to update paragraph four to remove the reference to the Department’s Standard PR.AC: Password Parameters Policy and add the Department’s Information Technology (IT) Identification and Authentication (IA) Standard; and to update the password change policy from 60–90 days to 90 days or based on the Zero Trust Strategy/Plan in accordance with the Department’s IT IA standards.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at

www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Richard Cordray,

Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer, Federal Student Aid (FSA), U.S. Department of Education (Department), publishes a notice of a modified system of records to read as follows:

SYSTEM NAME AND NUMBER:

Common Services for Borrowers (CSB) (18–11–16).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

(1) U.S. Department of Education,
 ■ Executive Director, Servicing, Student Experience and Aid Delivery, Federal Student Aid, U.S. Department of Education, 1300 Market St., 5th floor, Philadelphia, PA 19107 (System Manager);

■ 50 Beale St., San Francisco, CA 94105;
 ■ 500 West Madison St., Chicago, IL 60661; and
 ■ 61 Forsyth St., Atlanta, GA 30303.

(2) Maximus Federal Services, Inc. (Contractor—Federal Loan Servicer for Collections—Debt Management Collection System (DMCS));

■ 5202 Presidents Ct., Frederick, MD 21703 (Department contractor—DMCS Program Management and Help Desk;
 ■ Amazon Web Services Government Cloud, US East;
 ■ 410 Terry Ave. North, Seattle, WA 98109–5210 (System Hosting);
 ■ Mail Fulfillment and Imaging Centers: 800 Commerce Dr., Upper Marlboro, MD 20774; and 6201 Interstate 30, Greenville, TX 75402; and
 ■ Contact Centers: 1 Imeson Park Blvd., Suite 300, Jacksonville, FL 32218; and 4335 Paredes Line Rd. Brownsville, TX 78526.

(3) Nelnet Servicing, LLC (Contractor—Federal Loan Servicer),
 ■ 1001 Fort Crook Rd. North, Suite 132, Bellevue, NE 68005 (System Hosting);

■ 700 East 54th St. North, Suite 200, Sioux Falls, SD 57104 (System Hosting Backup site);

■ Mail Fulfillment: 1720 Northway Dr., North Mankato, MN 56003; 3125 Lewis Centre Way, Grove City, OH 43123; 3885 Seaport Blvd., Suite 40, West Sacramento, CA 95691; and 1803 Rocky River Rd., North Monroe, NC 28110;

■ Imaging Centers: 121 South 13th St., Lincoln, NE 68508 and 2401 and 2501 International Lane, Madison, WI 53704; and

■ Contact Centers: 308 Second St., Boscobel, WI 53805; 3381 Ruben M. Torres Blvd., Brownsville, TX 78526; 3620 23rd St., Columbus, NE 68601; 1529 Continental Dr., Eau Claire, WI 54701; 401 S. 21st St., Lincoln, NE 68510; 2401 and 2501 International Lane, Madison, WI 53704; 14400 Branch St. Omaha, NE 68010; 1205 Jackson St. Suite 300, Sidney, NE 69162; and 1101 Centerpoint Drive, Stevens Point, WI 54481;

(4) Great Lakes Educational Loan Services, Inc. (GLCS) (Contractor—Federal Loan Servicer):

■ 2401 and 2501 International Lane, Madison, WI 53704; and 1529 Continental Dr., Eau Claire, WI 54701; (System Hosting and System Hosting Backup site);

■ Mail Fulfillment and Imaging Centers: 2401 and 2501 International Lane, Madison, WI 53704; and 1529 Continental Dr., Eau Claire, WI 54701; and

■ Contact Centers: 930 Blue Gentian Rd., Eagan, MN 55121; 2401 and 2501 International Lane, Madison, WI 53704; 1529 Continental Dr., Eau Claire, WI 54701; 308 2nd St., Boscobel, WI 53805; and 1101 Center Point Dr., Stevens Point, WI 54481.

(5) Aidvantage (Contractor—Federal Loan Servicer):

■ Chandler Data Center, 240 North Roosevelt Ave., Chandler, AZ 48226 (System Hosting);

■ Omaha Data Center, 7305 Pacific St., Omaha, NE 68106 (System Hosting Backup site);

■ Mail Fulfillment and Imaging Centers: 3885 Seaport Blvd., Suite 40, West Sacramento, CA 95691; 1803 North Rocky River Rd., Monroe, NC 28110; and 6201 Interstate 30, Greenville, TX 75402; and

■ Contact Center(s): A fully remote contact center model is employed. Customer Service Representatives manage customer calls in a distributed environment utilizing secure internet connections and using centrally managed technology.

(6) Missouri Higher Education Loan Assistance Authority (MOHELA)

(Contractor—Not-for-Profit (NFP) Federal Loan Servicer):

- 633 Spirit Dr., Chesterfield, MO 63005 (System Hosting);
- 555 Vandiver Dr., Columbia, MO 65202 (System Hosting Backup site);
- 820 First Street, NE, Suite L-120, Washington, DC 20002 (Main Office);
- Mail Fulfillment and Imaging Centers: 633 Spirit Dr., Chesterfield, MO 63005; and 555 Vandiver Dr., Columbia, MO 65202; and
- Contact Centers: 633 Spirit Dr., Chesterfield, MO 63005; 555 Vandiver Dr., Columbia, MO 65202; and 820 First St. NE, Suite L-120, Washington, DC 20002.

(7) Oklahoma Student Loan Authority (NFOSLA) (Contractor—NFP Federal Loan Servicer):

- 525 Central Park Dr., Ste. 600, Oklahoma City, OK 73105 (System Hosting); 7499 East Paradise Lane, Scottsdale, AZ 85260 (System Hosting Backup site);
- 1001 Fort Crook Road, North, Suite 132, Bellevue NE. 68005-4247 (System Hosting Backup site);
- 700 East 54th St. North, Suite 200, Sioux Falls, SD 57104 (System Hosting Backup site);
- Mail Fulfillment and Imaging Center: 525 Central Park Dr., Ste. 600, Oklahoma City, OK 73105; and
- Call Center: 525 Central Park Dr., Ste. 600, Oklahoma City, OK 73105.

EdFinancial (Contractor—NFP Federal Loan Servicer):

- 1001 Fort Crook Rd., Suite 132, North Bellevue, NE 68005-4247 (Nelnet System Hosting);
- 700 East 54th St. North, Suite 200, Sioux Falls, SD 57104 (Nelnet System Hosting Backup);
- 7301 Pacific Street, Omaha, NE 68114 (FISERV System Hosting—FISERV Solutions Primary Data Center); and

- 240 North Roosevelt Avenue, Chandler, AZ 85226 (FISERV System Hosting Backup);
- Mail Fulfillment and Imaging Centers: 13271 North Promenade Blvd., Stafford, TX 77477-3957; 3885 Seaport Blvd., Suite 40, West Sacramento, CA 95691; and 1803 Rocky River Rd., North Monroe, NC 29110 (Mail Fulfillment and Imaging Backup site); and
- Contact Centers: 120 North Seven Oaks Dr., Knoxville, TN 37922; 298 North Seven Oaks Dr., Knoxville, TN 37922; 2741 Gunter Park Dr., Montgomery, AL 36109; and 4 Barrell Court, Concord, NH 03301;

(8) Educational Computer Systems, Inc. (ECSI) (Contractor—Federal Perkins Loan Servicer):

- 1033 Jefferson St. NW, Atlanta, GA 30318 (System Hosting);

- Mail Fulfillment and Imaging Center: 100 Global View Dr., Warrendale, PA 15086; and
- Contact Centers: 1200 Cherrington Parkway, Suite 200, Moon Township, PA 15108; and 3330 Healy Dr., Winston-Salem, NC 27103.

(9) Action Financial Services (Contractor—Private Collection Agency):

- 2055 Cardinal Ave., Medford, OR 97504 (Call Center, Administrative Support, Compliance, Training and Human Resources).

(10) Bass & Associates, P.C. (Contractor—Private Collection Agency):

- 3926 E Fort Lowell Rd., Tucson, AZ 85712-1083 (Administration and Student Loan Collections).

(11) Central Research, Inc. (CRI) (Contractor—Private Collection Agency):

- 122 N Bloomington St., Suite I, Lowell, AR 72745 (Accounting/Corporate Administration).

(12) Coast Professional, Inc. (Contractor—Private Collection Agency):

- 4273 Volunteer Rd., Geneseo, NY 14454 (Student Loan Servicing & Collecting).

(13) Credit Adjustments, Inc. (CAI) (Contractor—Private Collection Agency):

- 1270 Geneva Blvd. Defiance, OH 43512 (Collection Activity, Administrative Offices).

(14) F.H. Cann & Associates, Inc. (Contractor—Private Collection Agency):

- 1600 Osgood St., Suite 2-120, North Andover, MA 01845 (Collection Activity, Administrative Office).

(15) Immediate Credit Recovery (ICR) (Contractor—Private Collection Agency):

- 6 Neptune Rd., Suite 110, Poughkeepsie, NY 12601 (Call Center, Rehab Payer Service and Maintenance, Compliance, IT Staff, HR, Accounting, CEO, CIO, VP admin and other executive staff).

(16) National Credit Services (Contractor—Private Collection Agency):

- 2525 220th St. SE, Suite 200, Bothell, WA 98021 (Debt Collection, Rehabilitations, Skip Tracing, QA, Compliance, HR and Administrative Wage Garnishment (AWG)).

(17) National Recoveries Inc. (Contractor—Private Collection Agency):

- 14735 Hwy. 65, NE, Ham Lake, MN 55304 (Collections, Invoice Processing, IT).

(18) Professional Bureau of Collections of Maryland, Inc.

(Contractor—Private Collection Agency):

- 5295 DTC Parkway, Greenwood Village, CO 80111 (Executive, Administrative, Accounting, Collections, IT and Compliance).

(19) Reliant Capital Solutions (Contractor—Private Collection Agency):

- 670 Cross Pointe Rd., Gahanna, OH 43230 (Front Line Agents and Administrative Office).

SYSTEM MANAGER(S):

Executive Director, Servicing, Student Experience and Aid Delivery, Federal Student Aid, U.S. Department of Education, 1300 Market St., 5th floor, Philadelphia, PA 19107.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV-A, IV-B, IV-D, and IV-E of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C. 1070 *et seq.*) and the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb) (including any waivers or modifications that the Secretary of Education deems necessary to make to any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the HEA to achieve specific purposes listed in the section in connection with a war, other military operation, or a national emergency).

PURPOSE(S) OF THE SYSTEM:

Note: Different parts of the HEA use the terms “discharge,” “cancellation,” or “forgiveness” to describe when a borrower’s loan amount is reduced in whole or in part by the Department. To reduce complexity, this system of records notice uses the term “discharge” to include all three terms (“discharge,” “cancellation,” and “forgiveness”), including but not limited to discharges of student loans made pursuant to specific benefit programs. At times, this system of records notice may refer by name to a specific benefit program, such as the “Public Service Loan Forgiveness” program; such specific references are not intended to exclude any such program benefits from more general references to loan discharges.

The information maintained in this system of records is used for the following purposes:

- (1) To verify the identity of an individual;
- (2) To determine program eligibility and benefits;
- (3) To facilitate default reduction efforts by program participants;
- (4) To enforce the conditions or terms of a title IV, HEA obligation;
- (5) To originate, disburse, service, collect, assign, adjust, transfer, refer, furnish credit information for, and discharge a title IV, HEA obligation;

(6) To provide customers with information to help them make informed decisions on repayment options, including forbearance, deferment, and recurring debit options, based on their unique situations;

(7) To investigate possible fraud or abuse or verify compliance with program regulations or contract requirements;

(8) To locate a delinquent or defaulted individual obligated to repay a title IV, HEA obligation;

(9) To litigate a title IV, HEA obligation, or to prepare for, provide support services for, or audit the results of litigation on a title IV, HEA obligation;

(10) To prepare for, conduct, or enforce a limitation, suspension, termination, or debarment action;

(11) To verify that Federal, state, local, and Tribal statutory, regulatory, and program requirements are met by educational and financial institutions, guaranty agencies, and Department contractors including Federal Loan Servicers, NFP Federal Loan Servicers, the Federal Perkins Loan Servicer, and Private Collection Agencies (PCAs);

(12) To verify whether a title IV, HEA obligation qualifies for discharge;

(13) To conduct credit checks or respond to inquiries or disputes arising from information on a title IV, HEA obligation already furnished to a consumer reporting agency;

(14) To investigate, respond to, or resolve complaints submitted to the Department or to other Federal, State, local, or Tribal agencies regarding an aid applicant's or recipient's title IV, HEA program eligibility, the disbursement, or servicing of a title IV, HEA obligation, or the practices or processes of the Department and/or the Department's contractors;

(15) To determine credit balances to be refunded by the U.S. Department of the Treasury (Treasury) to the individual or loan holder;

(16) To allow educational institutions, financial institutions, Federal Loan Servicers, NFP Federal Loan Servicers the Federal Perkins Loan Servicer, PCAs, and guaranty agencies to report information to the Department on all aspects of title IV, HEA obligations in uniform formats to permit the Department to directly compare data submitted to the Department by individual educational institutions, financial institutions, third-party servicers, guaranty agencies, Federal Loan Servicers, NFP Federal Loan Servicers the Federal Perkins Loan Servicer, or PCAs;

(17) To report to the Internal Revenue Service (IRS) information required by

law to be reported, including, but not limited to, reports required by 26 U.S.C. 6050P and 6050S;

(18) To support research, analysis, and development of educational policies in relation to title IV, HEA student financial aid programs;

(19) To support Federal budget analysts in the Department, the Office of Management and Budget (OMB), and the Congressional Budget Office (CBO) in the development of budget needs and forecasts;

(20) To help governmental entities at the Federal, State, Tribal, and local levels to exercise their supervisory and administrative powers (including, but not limited to licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers); to investigate, respond to, or resolve complaints regarding the practices or processes of the Department and/or the Department's contractors; and to update information or correct errors contained in Department records;

(21) To ensure that only authorized users access aid applicants' or recipients' records, to maintain a history of each instance in which the aid applicant's or recipient's records are viewed or updated, and to assist the Department in responding to a suspected or confirmed breach of this system or in preventing, minimizing, or remedying harm when the Department suspects or confirms that this system has been breached or when the Department determines that information from this system is reasonably necessary to assist another agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm resulting from a suspected or confirmed breach;

(22) To support the Department in detecting, preventing, mitigating, and recouping improper payments in title IV, HEA programs;

(23) To conduct testing, analysis, or take other administrative actions needed to prepare for or execute programs under title IV of the HEA; and

(24) To identify whether an aid recipient or application participant who is applying for an income-driven repayment (IDR) plan or recertifying an IDR plan has provided consent/affirmative approval to redisclose Federal Tax Information (FTI) of such individuals pursuant to clause (iv) of section 6103(l)(13)(D) of the Internal Revenue Code (IRC) of 1986 and for the disclosure of records by the Department to the IRS to obtain FTI and for the IRS to disclose FTI to the Department as referenced in Section 494(a) of the HEA

(20 U.S.C. 1098h(a)) for the purpose of determining repayment obligation monthly amounts for an IDR plan under title IV of the HEA with respect to loans made under part D of title IV of the HEA (Direct Loan Program).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The CSB system contains records on individuals who received a loan or who otherwise owe a title IV, HEA obligation held, originated, serviced, disbursed, adjusted, collected, or discharged by the Department, which was made under:

(1) The Federal Family Education Loan (FFEL) Program, including Stafford Loans, Federal Insured Student Loans (FISL), Supplemental Loans for Students (SLS), PLUS Loans (formerly Parental Loans for Undergraduate Students), and Consolidation Loans;

(2) the William D. Ford Federal Direct Loan (Direct Loan) Program, including Federal Direct Unsubsidized and Subsidized Stafford/Ford Loans, Federal Direct Consolidation Loans, and Federal Direct PLUS Loans;

(3) the Federal Perkins Loan Program;

(4) the Federal Pell Grant Program;

(5) the Federal Supplemental Education Opportunity Grant (FSEOG) Program;

(6) the Leveraging Educational Assistance Partnership (LEAP) Program;

(7) the Special Leveraging Educational Assistance Partnership (SLEAP) Program;

(8) the Academic Competitiveness Grant (ACG) Program;

(9) the National Science and Mathematics Access to Retain Talent (SMART) Grant Program;

(10) the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; and

(11) the Iraq and Afghanistan Service Grant Program.

This system also contains records on individuals who apply for, but do not receive, a Direct Loan, as well as individuals identified by the borrower or recipient of the Federal title IV, HEA program funds as references, co-signers, endorsers, or a spouse whose income and expenses are considered in connection with the making or the enforcement of a title IV, HEA obligation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Note: Beginning with the 2024–2025 award year application cycle, the IRS will disclose FTI directly to the Department for use by the Department in processing the Free Application for Federal Student Aid (FAFSA®) and making aid eligibility determinations under a program authorized under subpart 1 of part A, part C, or part D

of title IV of the HEA. FTI will not be maintained in this system. Beginning July 30, 2023, the IRS will also disclose FTI directly to the Department for use by the Department to determine monthly payment amounts under IDR plans with respect to Direct Loans. That FTI also will not be maintained in this system. All FTI that the Department will obtain directly from the IRS under the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act will be maintained within the FTI Module (FTIM) system that will be compliant with the IRS Publication 1075, "Tax Information Security Guidelines for Federal, State and Local Agencies, Safeguards for Protecting Federal Tax Returns and Return Information," and that will be covered under the Department's system of records notice entitled "FUTURE Act System (FAS)" (18-11-23). This system will continue to maintain both historical and applicant-provided income information (either through a manual FAFSA entry or submission of alternative documentation of income (ADOI) through the IDR process). Any reference to income throughout this system of records notice refers to income information that the Department did not obtain directly from the IRS but obtained from the applicant or from another source.

This system of records covers the following Information Technology (IT) systems of the Department used to carry out activities with regard to title IV, HEA obligations held, originated, serviced, disbursed, collected, or discharged by the Department: DMCS, IT systems operated by the Federal Loan Servicers and NFP Federal Loan Servicers to accomplish the purpose(s) of this system of records, IT systems operated by the Federal Perkins Loan Program Servicer to accomplish the purpose(s) of this system of records, and IT systems operated by the PCAs to accomplish the purpose(s) of this system of records. This system of records also covers paper records obtained by the Department from guaranty agencies in the process of considering appeals by title IV, HEA loan borrowers of guaranty agency decisions.

This system of records maintains the employment information, educational status, family income, Social Security number (SSN), address(es), email address(es), monthly payment amounts, ADOI, and telephone number(s) of the aid applicant or recipient indebted on a title IV, HEA obligation or the individuals whose income and expenses are included in a financial statement submitted by the aid applicant or recipient. This system also maintains the consent/affirmative approval to include permitting the Department to disclose records to the IRS to obtain FTI and to permit the disclosure and redisclosure of the FTI of the applicant

or recipient. This system of records maintains the loan discharge income, eligibility information, and associated discharge eligibility consent information of the aid recipient indebted on a title IV, HEA obligation. This system also maintains records including, but not limited to, the application for, agreement to repay, and disbursements on the loan, and loan guaranty, if any; the repayment history, including deferments and forbearances; claims by lenders on the loan guaranty; and records related to discharge of title IV, HEA obligations on grounds of qualifying service, bankruptcy discharge, Total and Permanent Disability (including medical records submitted to support an application for discharge by reason of disability), death, Public Service Loan Forgiveness (PSLF) (including, but not limited to, employment records), Borrower Defense (including but not limited to, case decisions, principal and interest discharged, amount refunded, and borrower defense notifications) or other statutory or regulatory grounds for relief.

Additionally, for title IV, HEA grant overpayments, the system contains records about the amount disbursed, the school that disbursed the grant, and the basis for overpayment; for all title IV, HEA obligations, the system contains demographic, employment, and other data on the individual who owes a title IV, HEA obligation or provided as references by the obligor, and the collection actions taken by any holder, including write-off amounts and compromise amounts.

This system also contains information obtained from matching programs or other information exchanges with other Federal and State agencies, and other entities, to assist in identifying individuals who may be eligible for benefits related to their title IV, HEA obligations, including, but not limited to, TPD discharges, loan deferments, interest rate reductions, PSLF, and other Federal and State loan repayment or discharge benefits or for the purpose of recouping payments on delinquent title IV, HEA obligations under title IV, HEA programs.

RECORD SOURCE CATEGORIES:

The system includes information that the Department obtains from applicants and those individuals and their families who received, or who are otherwise obligated to repay, a title IV, HEA obligation held and collected by the Department. The Department also obtains information from Federal Loan Servicers, NFP Federal Loan Servicers, the Federal Perkins Loan Servicer,

PCAs, references, cosigners, endorsers, current or prior FFEL loan holders or servicers, guaranty agencies, educational and financial institutions and their authorized representatives, and Federal, State, Tribal and local agencies and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies. Information in this system may be obtained from other persons or entities from whom or from which data is obtained following a disclosure under the listed routine uses.

Information is also obtained from other Department systems including the Common Origination and Disbursement (COD) system (covered by the Department's system of records notice entitled "Common Origination and Disbursement (COD) System" (18-11-02)) and the National Student Loan Data System (NSLDS) (covered by the Department's system of records notice entitled "National Student Loan Data System (NSLDS)" (18-11-06)) or any successor systems thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the information in the record was collected. These disclosures may be made on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Program Disclosures.* The Department may disclose records for the following program purposes:

(a) To verify the identity of the individual whom records indicate has applied for or received title IV, HEA program funds, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, Tribal, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; to adjudicative bodies; and to the individual whom the records identify as the party obligated to repay the title IV, HEA obligation;

(b) To determine program eligibility and benefits, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(c) To facilitate default reduction efforts by program participants, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to consumer reporting agencies; and to adjudicative bodies;

(d) To enforce the conditions or terms of a title IV, HEA obligation, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; to adjudicative bodies; and to the individual whom the records identify as the party obligated to repay the title IV, HEA obligation;

(e) To permit originating, disbursing, servicing, collecting, assigning, adjusting, transferring, referring, furnishing of credit information, or discharging title IV, HEA obligations, disclosures may be made to guaranty agencies, educational institutions, or financial institutions that originated, held, serviced, or have been assigned the title IV, HEA obligation, and their authorized representatives; to a party identified by the debtor as willing to advance funds to repay the title IV, HEA obligation; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(f) To provide customers with information to help them make informed decisions on repayment options, including deferment, forbearance, and recurring auto debit, based on their unique situations, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; and to Federal, State, or local agencies, and their authorized representatives;

(g) To investigate possible fraud or abuse or to verify compliance with contractual requirements or Federal, State, local, or Tribal statutory, regulatory, or program requirements, disclosures may be made to guaranty agencies, educational and financial institutions, third-party servicers, and their authorized representatives; to Federal, State, Tribal, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(h) To locate a delinquent or defaulted borrower, or an individual who owes a title IV, HEA obligation, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(i) To prepare a title IV, HEA obligation for litigation, to provide support services for litigation on a title IV, HEA obligation, to litigate a title IV, HEA obligation, or to audit the results of litigation on a title IV, HEA obligation, disclosures may be made to FFEL loan holders or servicers; Department contractors including but not limited to, Federal Loan Servicers, NFP Federal Loan Servicers, the Federal Perkins Servicer, PCAs and to guaranty agencies and their authorized representatives; Federal, State, Tribal, or local agencies, and their authorized representatives; and to adjudicative bodies;

(j) To prepare for, conduct, or enforce a limitation, suspension, or termination or a debarment action, disclosures may be made to guaranty agencies, educational or financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; and to adjudicative bodies;

(k) To verify that HEA program requirements are met by educational and financial institutions, guaranty agencies, Federal Loan Servicers, NFP Federal Loan Servicers, the Federal Perkins Loan Servicer, and PCAs, disclosures may be made to guaranty agencies, educational or financial institutions, and their authorized representatives; to accrediting agencies; to auditors engaged to conduct an audit of a guaranty agency or an educational or financial institution; to Federal, State, Tribal, or local agencies, and their

authorized representatives; and to adjudicative bodies;

(l) To verify whether a title IV, HEA obligation qualifies for discharge, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(m) To conduct credit checks or to respond to inquiries or disputes arising from information on the title IV, HEA obligation already furnished to a consumer reporting agency, disclosures may be made to consumer reporting agencies; to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; and to adjudicative bodies;

(n) To investigate, respond to, and resolve complaints submitted to the Department or to Federal, State, local, or Tribal agencies regarding an aid applicant's or recipient's title IV, HEA program eligibility, the disbursement or servicing of a title IV, HEA obligation, or the practices or processes of the Department and/or the Department's contractors or to update information or correct errors contained in Department records, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, Tribal, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; to consumer reporting agencies; and to adjudicative bodies;

(o) To provide credit balances identified in the Department's systems to Treasury for distribution, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; and to creditors;

(p) To allow the reporting of information to the Department on all aspects of title IV, HEA obligations in uniform formats and to permit the Department to directly compare data submitted to the Department by

individual educational institutions, financial institutions, third-party servicers, guaranty agencies, Federal Loan Servicers, NFP Federal Loan Servicers, PCAs, and the Federal Perkins Loan Servicer, disclosures may be made to educational institutions, financial institutions, guaranty agencies, Federal Loan Servicers, the Federal Perkins Loan Servicer, NFP Federal Loan Servicers, and PCAs;

(q) To report information required by law to be reported, including, but not limited to, reports required by 26 U.S.C. 6050P and 6050S, disclosures may be made to the IRS; and

(r) To help Federal, State, Tribal, and local governmental entities exercise their supervisory and administrative powers (including, but not limited to, licensure, examination, discipline, regulation, or oversight of educational institutions, Department contractors, guaranty agencies, eligible lenders, and third-party servicers) or to investigate, respond to, or resolve complaints submitted regarding the practices or processes of the Department and/or the Department's contractors, the Department may disclose records to governmental entities at the Federal, State, Tribal, and local levels. These records may include all aspects of records relating to title IV, HEA obligations to permit these governmental entities to verify compliance with debt collection, consumer protection, financial, and other applicable statutory, regulatory, or local requirements. Before making a disclosure to these Federal, State, local, or Tribal governmental entities, the Department will require them to maintain safeguards consistent with the Privacy Act to protect the security and confidentiality of the disclosed records.

(2) *Feasibility Study Disclosure.* The Department may disclose information from this system of records to other Federal agencies, and to guaranty agencies and to their authorized representatives, to determine whether matching programs should be conducted by the Department for purposes such as to locate a delinquent or defaulted debtor or to verify compliance with program regulations.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either alone or in connection with other information, a violation or potential violation of any applicable statutory, regulatory, or legally binding requirement, the Department may disclose the relevant records to an entity charged with the responsibility for investigating or enforcing those violations or potential violations.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the parties listed below is involved in judicial or administrative litigation or ADR, or has an interest in such litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components;

(ii) Any Department employee in his or her official capacity;

(iii) Any Department employee in his or her individual capacity where the Department of Justice (DOJ) has been requested to or agrees to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the Department has agreed to represent the employee; and

(v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosure.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to an individual or an entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant

to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies or their Agents and Contractors, and Professional Organizations or the Department's Contractors.* The Department may disclose a records to a Federal, State, local, or other public authority or an agent or contractor of such public agency, or professional organization, or the Department's contractors in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action, the Department may disclose the record in this system of records in the course of investigation, fact-finding, or adjudication to any witness, designated factfinder, mediator, or other person designated to resolve issues or decide the matter.

(7) *Labor Organization Disclosure.* The Department may disclose a record from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of a labor organization recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(8) *Freedom of Information Act (FOIA) and Privacy Act Advice Disclosure.* The Department may disclose records to the DOJ or to OMB if the Department determines that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA or the Privacy Act.

(9) *Disclosure to the DOJ.* The Department may disclose records to the DOJ, or the authorized representative of DOJ, to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *Contracting Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in the system to the employees of the contractor, the Department may disclose

the records to those employees. As part of such a contract, the Department shall require the contractor to agree to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) of the Privacy Act with respect to the records in the system.

(11) *Research Disclosure.* The Department may disclose records to a researcher if the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The Department may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to agree to establish and maintain safeguards to protect the security and confidentiality of the disclosed records.

(12) *Congressional Member Disclosure.* The Department may disclose the records of an individual to a member of Congress or the member's staff when necessary to respond to an inquiry from the member made at the written request of that individual and on behalf of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(13) *Disclosure to OMB or CBO for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB or CBO as necessary to fulfill CRA requirements in accordance with 2 U.S.C. 661b.

(14) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records from this system of records to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs and operations), the Federal government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach and prevent, minimize, or remedy such harm.

(15) *Disclosure in Assisting Another Agency in Responding to a Breach of Data.* The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records

is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(16) *Disclosure to Third Parties Through Matching Programs.* Unless otherwise prohibited by other laws, any information from this system of records, including personal information obtained from other agencies through matching programs, may be disclosed to any third party through a matching program, which is conducted under a Computer Matching Agreement between the Department and the third party, and requires that the matching be conducted in compliance with the requirements of the Privacy Act. Purposes of these disclosures may be: (a) To establish or verify program eligibility and benefits; (b) to establish or verify compliance with program regulations or statutory requirements, such as to investigate possible fraud or abuse; and (c) to recoup payments or delinquent debts under any Federal benefit programs, such as to locate or take legal action against a delinquent or defaulted debtor.

(17) *Disclosure of Information to Treasury.* The Department may disclose records to (a) a Federal or State agency, its employees, agents (including contractors of its agents), or contractors, or (b) a fiscal or financial agent designated by the Treasury, including employees, agents, or contractors of such agent, for the purpose of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a State in a State-administered, Federally funded program.

(18) *Disclosure to National Archives and Records Administration (NARA).* The Department may disclose records from this system of records to NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12): The Department may disclose to a consumer reporting agency information regarding a valid overdue claim of the Department; such information is limited to:

(1) The name, address, taxpayer identification number, and other information necessary to establish the

identity of the individual responsible for the claim;

(2) the amount, status, and history of the claim; and

(3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined in 15 U.S.C. 1681a(f) and 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The records are maintained in hardcopy, microfilm, magnetic storage, and optical storage media, such as tape, disk, etc.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system pertaining to a title IV, HEA loan borrower or grant recipient are retrieved by one or more of the following data elements: the SSN, name, address, randomly generated number, debt number, phone number, debt type reference, debt type extension debt number, commercial name, commercial contact name, legacy ID, driver's license number, American Bankers Association (ABA) routing number, bankruptcy docket number, debt placement date, debt user defined page (UDP), email address, last worked date, payment additional extension reference ID, payment extension reference ID, tag short name, total balance, credit bureau legacy ID, debt type group short name, debt type short name, department name, institution account number, judgment docket number, license-issuing State, next scheduled payment amount, next scheduled payment date, office name, original debt type name, PCA group short name, and PCA short name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are retained and disposed of in accordance with ED Records Schedule 075: FSA Loan Servicing, Consolidation, and Collections Records (N1-441-09-016) (ED 075). The Department has submitted amendments to ED 075 for NARA's consideration and will continue to preserve all records covered by ED 075 until the amendments are approved.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All physical access to the Department's site, and to the sites of the Federal Loan Servicers, the Federal Perkins Loan Servicer, PCAs, and other

contractors listed in this notice, where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge.

In accordance with the Department's Administrative Communications System Directive ACSD-OFO-013 entitled "Contractor Employee Personnel Security Screenings," all contract personnel who have facility access and system access are required to undergo a security clearance investigation. Individuals requiring access to Privacy Act records are required to hold, at a minimum, a moderate-risk security clearance level. These individuals are required to undergo periodic screening at five-year intervals.

In addition to conducting security clearances, contract and Department employees are required to complete security awareness training on an annual basis. Annual security awareness training is required to ensure that contract and Department users are appropriately trained in safeguarding Privacy Act records.

The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user identification and password. The Department's Information Technology (IT) Identification and Authentication (IA) Standard requires the enforcement of a complex password policy. In addition to the enforcement of a complex password policy, users are required to change their password at least every 90 days or based on the Zero Trust Strategy/Plan in accordance with the Department's IT IA standards.

In accordance with the Federal Information Security Management Act of 2002 (FISMA), as amended by the Federal Information Security Modernization Act of 2014, every Department system must receive a signed Authorization to Operate (ATO) from a designated Department official. The ATO process includes a rigorous assessment of security and privacy controls, a plan of actions and milestones to remediate any identified deficiencies, and a continuous monitoring program.

FISMA controls implemented comprise a combination of management, operational, and technical controls, and include the following control families: access control, awareness and training,

audit and accountability, assessment, authorization, and monitoring, configuration management, contingency planning, identification and authentication, incident response, maintenance, media protection, physical and environmental protection, planning, program management, personnel security, personally identifiable information processing and transparency, risk assessment, system and services acquisition, system and communications protection, system and information integrity, and supply chain risk management.

All of the Federal Loan Servicers, NFP Federal Loan Servicers, the Federal Perkins Loan Servicer, PCAs, and other contractors, as listed in "SYSTEM LOCATION," undergo FISMA security authorizations. In addition, access is monitored 24 hours per day, 7 days a week.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system, provide the system manager with your name, date of birth, and SSN. Requests by an individual for access to a record must meet the requirements of the regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record in this system of records, contact the system manager with your name, date of birth, and SSN; identify the specific items to be changed; and provide a written justification for the change. Requests to amend a record must meet the requirements of the regulations in 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in this system of records, provide the system manager with your name, date of birth, and SSN. Requests must meet the requirements of the regulations in 34 CFR 5b.5 and 5b.7, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The system of records entitled "Common Services for Borrowers (CSB)" (18-11-16) was originally published in the **Federal Register** on January 23, 2006 (71 FR 3503-3507), modified on September 12, 2014 (79 FR 54685-54695) and on September 2, 2016 (81 FR 60683-60691), and last modified on September 13, 2022 (87 FR 56003-56015).

[FR Doc. 2023-15931 Filed 7-26-23; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23-518-000]

NFEnergía LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on July 18, 2023, NFEnergía LLC (NFEnergía), 111 W 19th Street, New York, New York 10011, filed a request under section 3 of the Natural Gas Act (NGA), and part 153 of the Commission's regulations requesting authorization to permit construction and interconnection of a new pipeline at its MFH Facility located at the Port of San Juan, Puerto Rico (Project). NFEnergía states that the U.S. Army Corps of Engineers' (USACE) emergency temporary generation project, located adjacent to the Puerto Rico Electric Power Authority's San Juan Power Plant, must interconnect to an existing, available blind flange MFH Facility in order for that project to meet its objectives timely. Thus, NFEnergía seeks authorization to construct an interconnection of approximately 220 feet of 10-inch-diameter pipeline to an existing, available blind flange at the MFH Facility in order to deliver natural gas to USACE's project. NFEnergía avers that the existing capacity at the MFH Facility is adequate to make available the fuel necessary to support the temporary power generation, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (www.ferc.gov) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact the Federal Energy Regulatory Commission at FercOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY (202) 502-8659.

Any questions regarding the proposed project should be directed to Cameron MacDougall, General Counsel, NFEnergía LLC, 111 W 19th Street, New York, New York 10011, by phone at (212) 479-1522, or by email at cmacdougall@fortress.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and

Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on July 25, 2023. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before July 25, 2023.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP23-518-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP23-518-000).

To file via USPS: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project

will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is July 25, 2023. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as the your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP23-518-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.20013.

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

¹ 18 CFR (Code of Federal Regulations) 157.9.

select “General” and then select “Intervention.” The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP23–518–000.

To file via USPS: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email at: Cameron MacDougall, General Counsel, NFEnergia LLC, 111 W 19th Street, New York, New York 10011, or at email at cmacdougall@fortress.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission’s Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission’s

Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on July 25, 2023.

Dated: July 21, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023–15942 Filed 7–26–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–2451–000]

Great Cove Solar II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Great Cove Solar II LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 10, 2023.

The Commission encourages electronic submission of protests and

interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: July 21, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–15954 Filed 7–26–23; 8:45 am]

BILLING CODE 6717–01–P

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. CP23–15–000]

**ANR Pipeline Company; Notice of
Availability of the Environmental
Assessment for the Proposed;
Wisconsin Reliability Project**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Wisconsin Reliability Project, proposed by ANR Pipeline Company (ANR) in the above-referenced docket. ANR requests authorization to construct and operate facilities in Lincoln, Manitowoc, Marathon, Oconto, Outagamie, Portage, Sheboygan, Washington, Waukesha, Waupaca, and Winnebago counties, Wisconsin, and McHenry County, Illinois.

The Wisconsin Reliability Project would provide about 144,000 dekatherms per day of natural gas to the states of Wisconsin and Illinois. The Project includes replacing 48 miles of existing pipeline, modification and replacement of compression facilities at two compressor stations, modifications to six meter stations, and installation and removal of auxiliary facilities. According to ANR, the Project would provide natural gas supply to meet the increasing market demand in Wisconsin and Illinois while increasing the reliability and efficiency of ANR's existing system.

The EA assesses the potential environmental effects of the construction and operation of the Wisconsin Reliability Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Wisconsin Department of Natural Resources, and Wisconsin Department of Agriculture, Trade and Consumer Protection participated as cooperating agencies in preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The proposed Project includes the following:

- Install two new 3,750-horsepower (hp) Dual Drive Technologies, Ltd.TM

(dual-drive)¹ compressor units, remove five existing compressor units, and uprate one existing unit at the existing Kewaskum Compressor Station (CS) in Sheboygan County, Wisconsin;

- Install two new 3,750-hp dual-drive compressor units, remove one existing compressor unit, install an electric substation, and upsize station inlet and discharge piping at the existing Weyauwega CS in Waupaca County, Wisconsin;

- Replace approximately 48 miles of existing 14-inch-diameter and 22-inch-diameter pipeline on ANR's ML–301 system (ML–301) with 30-inch-diameter and 36-inch-diameter pipeline, and existing 24-inch-diameter pipeline on ANR's ML–226 system (ML–226) with 30-inch-diameter pipeline in Washington, Waukesha, Waupaca, Outagamie, and Winnebago counties, Wisconsin, and McHenry County, Illinois;

- Modify the existing Lena, Merrill, Oshkosh, South Wausau, Stevens Point, and Two Rivers Meter Stations (MS) to accommodate deliveries of incremental capacity in Oconto, Lincoln, Winnebago, Marathon, Portage, and Manitowoc counties, Wisconsin; and

- Install or modify other minor appurtenant facilities.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*, CP23–15). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free

¹ Dual Drive Technologies, Ltd.TM units are redundant prime mover systems composed of a combination electric motor connected to an engine for powering a gas compressor. These units can switch between electricity and natural gas in the event of an abnormal operating condition (*e.g.*, power outage) to provide enhanced system reliability and maintain customer commitments.

at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5 p.m. Eastern Time on August 21, 2023.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You must select the type of filing you are making. If you are filing a comment on a particular project, please select "Comment on a Filing"; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23–15–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: July 21, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-15936 Filed 7-26-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 20-117 and 703-001]

PacifiCorp; Notice of Amendment and Surrender Applications Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. *Application Types:* Non-capacity Amendment of License Surrender of Conduit Exemption.
- b. *Project Nos:* 20-117, 703-001.
- c. *Date Filed:* March 16, 2023.
- d. *Applicant:* PacifiCorp.
- e. *Name of Projects:* Bear River Hydroelectric Project, Paris Hydroelectric Project.
- f. *Location:* The projects are located on Bear River in Franklin and Caribou counties, Idaho; and Paris Creek in Bear Lake County, Idaho.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicant Contact:* Mark Stenberg, Project Manager, PacifiCorp., 822 Grace Power Plant Rd., Grace, ID 83241, Mark.Stenberg@PacifiCorp.com, Telephone: (208) 339-9552.
- i. *FERC Contact:* Jennifer Ambler, (202) 502-8586, jennifer.ambler@ferc.gov or Holly Frank, (202) 502-6833, holly.frank@ferc.gov.
- j. *Deadline for filing comments, motions to intervene, and protests:* August 21, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue,

Rockville, Maryland 20852. The first page of any filing should include the docket number P-20-117 and/or P-703-001. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* PacifiCorp's proposal to surrender the Paris Project exemption (P-703) is part of a larger habitat restoration effort proposed by PacifiCorp and the parties to a relicensing settlement agreement for PacifiCorp's Bear River Hydroelectric Project (P-20). PacifiCorp proposes to decommission the Paris Project and stop the diversion of water from Paris Creek into the irrigation canal that serves the Paris Project. After decommissioning and exemption surrender, flows currently diverted through the canal would be returned to Paris Creek for the enhancement and restoration of approximately 3.5 miles of cold-water habitat for Bonneville Cutthroat Trout in the currently bypassed reach of Paris Creek.

To partially mitigate the cost of the proposed decommissioning of the Paris Project, PacifiCorp proposes to amend the license for the Bear River Project to reduce the minimum instream flow requirement in the Grace Development's bypassed reach. This reduction in required minimum instream flow would allow PacifiCorp to increase hydroelectric generation at the Grace Development to offset lost generation associated with the Paris Project decommissioning.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

p. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: July 21, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-15939 Filed 7-26-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23-2456-000]

Platteview Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Platteview Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 10, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number

field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: July 21, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-15953 Filed 7-26-23; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2023-0311; FRL-11016-01-OCSP]

Stakeholder Engagement Opportunity for the Safer Choice and Design for the Environment (DfE) Programs' Potential Expansion Into New Product Categories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing an opportunity for public input on the Safer Choice and Design for the Environment (DfE) programs' potential expansion of their certification to new product categories. Safer Choice helps consumers, businesses, and purchasers find products that perform and contain ingredients that are safer for human health and the environment. DfE is a similar program currently used by EPA for the purpose of helping consumers and commercial buyers identify antimicrobial products that meet the health and safety standards of the normal pesticide registration process required by the Federal Insecticide,

Fungicide and Rodenticide Act (FIFRA) as well as other rigorous criteria required by the EPA. The Agency will hold a listening session webinar and request stakeholder comment on which new product categories Safer Choice and DfE could expand into and how the potential expansion could offer significant benefits to human health and the environment. Safer Choice and DfE certifications would likely not expand to certify materials. The availability of EPA certified products would help give consumers a choice of products that meet EPA's high standard for human and environmental health and, as part of meeting these criteria, would not contain intentionally added per- and polyfluoroalkyl substances (PFAS).

DATES:

Virtual Listening Session: August 29, 2023, 2:00–3:00 p.m. EST. To receive the webcast meeting link and audio teleconference information before the meeting, you must register by 5 p.m. EST on August 28, 2023.

Special Accommodations: To allow EPA time to process your request for special accommodations, please submit the request on or before August 22, 2023.

Written Comments: Comments must be received on or before September 11, 2023.

ADDRESSES:

Virtual Listening Session: Register online at <https://abtassociates.webex.com/weblink/register/r3055e675f25be841c60ff1a37c70118d>.

Special Accommodations: To request accommodation for a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2023–0311, through <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 or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Taylor Dunivin, Safer Choice Program (7409M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0580; email address: dunivin.taylor@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This is directed to the public in general. This notice may be of specific interest to persons who represent relevant industries; manufacturers and distributors; colleges and universities; state, tribal, and local governments, including U.S. territories and the District of Columbia; other federal agencies; community groups; non-governmental organizations; the public; and international organizations.

B. What action is the Agency taking?

EPA is announcing a stakeholder engagement opportunity through a listening session webinar and request stakeholder comment on which new product categories Safer Choice and DfE programs could expand into and why.

During the listening session, EPA will give a presentation on the Agency's proposed plans to expand Safer Choice and DfE certification to new product categories. After the presentation, there will be time for attendees to submit questions and comments. The Agency will respond to those questions and comments that time allows during the listening session and asks for written submission of all comments after the listening session.

II. Background

A. What is the Safer Choice program?

As part of its human health and environmental mission, the Safer Choice program partners with businesses to help consumers and commercial buyers identify products whose chemical ingredients have met EPA's criteria for being "safer", without sacrificing quality or performance criteria set by EPA. 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 made with safer ingredients for people and the environment. For more information on the Safer Choice program, please see: <https://www.epa.gov/saferchoice>.

B. What is the DfE program?

The DfE program is a similar program currently used by EPA for the purpose of helping consumers and commercial buyers identify antimicrobial products that meet the health and safety

standards of the normal pesticide registration process required by FIFRA as well as meeting the DfE certification criteria (as described in the Safer Choice Standard). For more information on the DfE program, please see: <https://www.epa.gov/pesticide-labels/learn-about-design-environment-dfe-certification>.

C. What should I consider as I prepare my comments for EPA?

1. Submitting CBI.

Do not submit Confidential Business Information (CBI) to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be 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. Multimedia submissions.

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).

3. Tips for preparing your comments.

When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>. Please note that once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: July 21, 2023.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2023–15912 Filed 7–26–23; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11229–01–OAR]

Notice of Transfer of Data Potentially Claimed as Confidential Business Information Under the Clean Air Act to the United States Energy Information Administration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that information submitted to the Environmental Protection Agency's Office of Air and Radiation, Office of Transportation and Air Quality, pursuant to the Clean Air Act, including information that may be claimed as Confidential Business Information (CBI) by the submitter, will be transferred to the United States Energy Information Administration (EIA), a Federal agency. EPA is responding to a written request from EIA, seeking information about active, registered biodiesel and renewable diesel fuel producers. Specifically, EIA has requested data for parties who have generated RINs in recent years.

DATES: Access by EIA to this material, including CBI, discussed in this Notice, is ongoing and expected to occur beginning August 7, 2023.

FOR FURTHER INFORMATION CONTACT: Anne-Marie Pastorkovich, Attorney/Advisor, Compliance Division, Office of Transportation and Air Quality; telephone number: 202-343-9623; email address: pastorkovich.anne-marie@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is providing notice of disclosure pursuant to a written request by EIA under 40 CFR 2.209(c). EPA collects various data, including registration and compliance information, to implement the Renewable Fuel Standard (RFS) program and other fuels programs under section 211(o) of the Clean Air Act. This includes collecting information from submitter companies about their facilities, products, and generation and use of renewable identification numbers (RINs). The data may be claimed as CBI by the submitter.

EIA is a Federal agency that “. . . collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment.”¹ EPA is responding to a written request from EIA, seeking information about certain registered biodiesel and renewable diesel fuel producers. Specifically, EIA has requested data about those registrants they consider to be “active,” because they have generated RINs under RFS in recent years. An EIA employee requested this information for analysis and has stated that EIA does not intend to release the data to the public.

Although EPA publishes a public list of parties who are registered under various Clean Air Act fuels programs,² the list does not characterize the RIN activity level of these parties as part of the publicly posted data. Some of the “active” information requested by EIA may be entitled to confidential treatment. Therefore, EPA is publishing this notice to make submitters aware of the request and our intention to release data that may be entitled to confidential treatment to EIA.

Byron D. Bunker,
Director, Compliance Division.

[FR Doc. 2023-15962 Filed 7-26-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[R01-OW-2023; FRL-11054-01-R1]

Program Requirement Revisions Related to the Public Water System Supervision Program for the State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Connecticut is revising its approved Public Water System Supervision (PWSS) program to meet the requirements of the Safe Drinking Water Act (SDWA).

DATES: All interested parties may request a public hearing for any of the above EPA determinations. A request for a public hearing must be submitted by August 28, 2023 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective August 28, 2023.

Any request for a public hearing shall include the following information: (1) the name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional

Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, at the following office(s) below. Please call to arrange a visit.

U.S. Environmental Protection Agency,
Water Division, 5 Post Office Square,
Suite 100, Boston, MA 02109-3912

For state-specific documents:

Connecticut Department of Public
Health, Drinking Water Section, 410
Capital Avenue, Hartford, CT 06134

FOR FURTHER INFORMATION CONTACT:

Stafford Madison, U.S. EPA-New
England, Water Division, telephone
(617) 918-1622. Madison.Stafford@epa.gov.

SUPPLEMENTARY INFORMATION: The State of Connecticut has adopted drinking water regulations for the Revised Total Coliform Rule (78 FR 10269) promulgated on February 13, 2013. After review of documentation submitted by the State, the Environmental Protection Agency (EPA) has determined that the State's rule is no less stringent than the corresponding federal regulation. EPA, therefore, intends to approve the state's PWSS program revision for this rule.

Authority: Section 1401 (42 U.S.C 300f) and Section 1413 (42 U.S.C 300g-2) of the Safe Drinking Water Act, as amended (1996), and (40 CFR 142.10) of the National Primary Drinking Water Regulations.

Dated: July 21, 2023.

David W. Cash,
*Regional Administrator, EPA Region 1—New
England.*

[FR Doc. 2023-15959 Filed 7-26-23; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0685 and OMB 3060-0798; FR ID 158560]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

¹ See “About EIA,” EIA, at <https://www.eia.gov/about/> (accessed June 29, 2023).

² See “Public Data and Registration Lists for Fuels Programs,” EPA, at <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/public-data-and-registration-lists-fuel-programs> (accessed June 29, 2023).

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before August 28, 2023.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid

Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (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 burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–0685.

Title: Updating Maximum Permitted Rates for Regulated Services and Equipment, FCC Form 1210; Annual Updating of Maximum Permitted Rates for Regulated Cable Services, FCC Form 1240.

Form Number: FCC Form 1210 and FCC Form 1240.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 3,400 respondents; 5,350 responses.

Estimated Time per Response: 1 hour to 15 hours.

Frequency of Response: Annual reporting requirement; Quarterly reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 4(i) and 623 of Communications Act of 1934, as amended.

Total Annual Burden: 44,800 hours.

Total Annual Cost: \$3,196,875.

Needs and Uses: Cable operators use FCC Form 1210 to file for adjustments in maximum permitted rates for

regulated services to reflect external costs. Regulated cable operators submit this form to local franchising authorities.

FCC Form 1240 is filed by cable operators seeking to adjust maximum permitted rates for regulated cable services to reflect changes in external costs.

Cable operators submit Form 1240 to their respective local franchising authorities (“LFAs”) to justify rates for the basic service tier and related equipment or with the Commission (in situations where the Commission has assumed jurisdiction).

OMB Control Number: 3060–0798.

Title: FCC Authorization for Radio Service Authorization; Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form Number: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individual and households, Business or other for-profit entities, state, local, or tribal government, and not for profit institutions.

Number of Respondents: 255,552 respondents; 255,552 responses.

Estimated Time per Response: 0.5 to 1.25 hours.

Frequency of Response:

Recordkeeping requirement; third party disclosure requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554 of the Communications Act of 1934.

Total Annual Burden: 225,808 hours.

Total Annual Cost: \$72,474,000.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety, which are filed through the Commission’s Universal Licensing System (ULS) or any other electronic filing interface the Commission develops. FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, submit required notifications, request an extension of time to satisfy construction

requirements, request an administrative update to an existing license (such as mailing address change), or request a Special Temporary Authority License. Respondents are required to submit FCC Form 601 electronically. On January 18, 2023, the Commission adopted the 4.9 GHz Seventh Report and Order (FCC 23–3) where it concluded that collecting additional technical data on public safety operations in the 4.94–4.99 GHz band (4.9 GHz band) will improve interference protection and give public safety licensees more confidence in the band without adding a significant burden on licensees or applicants. The Commission also established a Band Manager to coordinate operations in the 4.9 GHz band. The Band Manager will use the more granular technical data collected on public safety operations in ULS via the FCC Form 601 to perform frequency coordination and will be empowered to work with public safety licensees to ensure efficient use of this spectrum and enable new, non-commercial operations on a secondary, preemptable basis.

The Commission is creating two new radio service codes and directing applicants seeking to license 4.9 GHz band base/mobile, mobile-only or temporary fixed stations (new radio service code PB) to submit with their applications on FCC Form 601: coordinates (base), antenna height above average terrain (base), center frequency, emission designator, effective radiated power, number of units (mobile and temporary fixed), and area of operation (mobile and temporary fixed). Similarly, the Commission is directing applicants seeking to license 4.9 GHz band permanent fixed point-to-point, point-to-multi-point and fixed receiver stations (new radio service code PF) to submit with their applications on FCC Form 601: transmitter and receiver antenna coordinates, frequencies, polarizations, tolerance, effective isotropic radiated power, emission designator, type of modulation, antenna model, gain, antenna center line height(s) above ground level and ground elevation above mean sea level, and path azimuth and distance.

The current FCC Form 601 already collects the information detailed above on Schedules D, H and I, but existing 4.9 GHz band operations under radio service code PA are not currently required to utilize these schedules. The changes proposed herein will modify the instructions of the FCC Form 601 to include the two new radio service codes and to duplicate certain questions from Schedule D onto Schedule I regarding eligibility, extended implementation and associated call sign.

On July 18, 2022, the Commission released a Report and Order and Second Further Notice of Proposed Rulemaking, Partitioning, Disaggregation, and Leasing of Spectrum, WT Docket No. 19–38, FCC 22–53, in which the Commission established the Enhanced Competition Incentive Program (ECIP) to establish incentives for wireless radio service licensees to make underutilized spectrum available to small carriers, Tribal Nations, and entities serving rural areas (ECIP Report and Order in WT Docket No. 19–38, FCC 22–53). In the Report and Order, the Commission adopted a program under which any covered geographic area licensee may offer spectrum to an unaffiliated eligible entity through a partition and/or disaggregation, and any covered geographic area licensee eligible to lease in an included service may offer spectrum to an unaffiliated eligible entity through a long-term leasing arrangement. If the FCC finds that approval of an ECIP eligible assignment or lease is in the public interest, the agency will consent to the transaction and confer benefits, including five-year license term extensions, one year construction extensions, and substituted alternative construction requirements for rural-focused transactions. The Commission also established rules to permit reaggregation of geographic licenses.

In establishing the ECIP, the Commission requires applicants seeking to participate in the program to submit certain information that shows the transaction qualifies for ECIP inclusion. The Commission found that the ECIP builds on Congressional goals in the MOBILE NOW Act to incentivize beneficial transactions in the public interest that will promote greater competition in the provision of wireless services, facilitate increased availability of advanced wireless services in rural areas, facilitate new opportunities for small carriers and Tribal Nations to increase access to spectrum, and bring more advanced wireless service including 5G to underserved communities. The ECIP related change created a new Schedule O, similar to schedule K, that will be used by certain ECIP Licensees to file either their Initial Operation Requirement Notifications (IORN) or their Final Operation Requirement Notifications (FORN), as required by 47 CFR 1.60004, 1.60006.

The Commission now seeks approval for revisions to its currently approved collection of information under OMB Control Number 3060–0798 to permit the collection of the two changes. We anticipate that these revisions will have no impact on the hourly burden to

complete FCC Form 601, as the existing burden already provides the appropriate estimate. The Commission therefore seeks approval for a revision to its currently approved information collection on FCC Form 601 to revise FCC Form 601 accordingly.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2023–15934 Filed 7–26–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0589; FR ID 157203]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before August 28, 2023.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed

information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (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 burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

OMB Control Number: 3060-0589.

Title: FCC Remittance Advice Forms, FCC Form 159/159-C, 159-B, 159-E, and 159-W.

Form Number(s): FCC Form 159 Remittance Advice, 159-C Remittance Advice Continuation Sheet, 159-B Remittance Advice Bill for Collection,

159-E Remittance Voucher, and 159-W Interstate Telephone Service Provider Worksheet.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondent and Responses: 180,000 respondents; 180,000 responses.

Estimated Time per Response: 15 minutes (0.25 hours).

Frequency of Response: On occasion and annual reporting requirements; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory Authority for this information collection is contained in the Communications Act of 1934, as amended; Section 8 (47 U.S.C. 158) for Application Fees; Section 9 (47 U.S.C. 159) for Regulatory Fees; Section 309(j) for Auction Fees; and the Debt Collection Improvement Act of 1996, Public Law 104-134, Chapter 10, Section 31001.

Total Annual Burden: 45,000 hours.

Total Annual Cost: No Cost.

Needs and Uses: The FCC supports a series of remittance advice forms and a remittance voucher form that may be submitted in lieu of a remittance advice form when entities or individuals electronically submit a payment. A remittance advice form (or a remittance voucher form in lieu of an advice form) must accompany any payment to the Federal Communications Commission (e.g. payments for regulatory fees, application filing fees, auctions, fines, forfeitures, Freedom of Information Act (FOIA) billings, or any other debt due to the FCC. Information is collected on these forms to ensure credit for full payment, to ensure entities and individuals receive any refunds due, to service public inquiries, and to comply with the Debt Collection Improvement Act of 1996. On August 12, 2013, the Commission released a Report and Order (R&O), In the Matter Assessment and Collection of Regulatory Fee for Fiscal Year 2013 and Procedures for Assessment and Collection of Regulatory Fees, MD Docket Nos. 13-140 and 12-201, FCC 13-110. In this R&O, the Commission requires that beginning in FY 2014, all regulatory fee payments be made electronically and that the Commission will no longer mail out initial regulatory fee assessments to CMRS providers.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2023-15933 Filed 7-26-23; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Community Banking; Notice of Charter Renewal

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of renewal.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (FACA), and after consultation with the General Services Administration, the Chairman of the FDIC has determined that renewal of the FDIC Advisory Committee on Community Banking (Committee) is in the public interest in connection with the performance of duties imposed upon the FDIC by law. The Committee has been a successful undertaking by the FDIC and has provided valuable feedback to the agency on a broad range of policy issues that have a particular impact on community banks throughout the United States and the local communities that are served by community banks. The Committee will continue to review various issues that may include, but not be limited to, examination policies and procedures, credit and lending practices, deposit insurance assessments, insurance coverage, and regulatory compliance matters to promote the continued growth and ability of community banks to extend financial services in their respective local markets. The structure and responsibilities of the Committee are unchanged from when it was originally established in July 2009. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Debra A. Decker, Committee Management Officer of the FDIC, at (202) 898-8748.

Authority: 5 U.S.C. 1001 *et seq.*

Dated: July 21, 2023.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2023-15865 Filed 7-26-23; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Notice of Closed Meeting**

Pursuant to 5 U.S.C. 1009(d), 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)—PAR 18–812, NIOSH Member Conflict Review.

Date: October 5, 2023.

Time: 1 p.m.–4 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate 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. 2023–15914 Filed 7–26–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS–10434]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: On May 28, 2010, the Office of Management and Budget (OMB) issued Paperwork Reduction Act (PRA) guidance related to the “generic” clearance process. Generally, this is an expedited clearance process by which agencies may obtain OMB’s approval of collection of information requests that are “usually voluntary, low-burden, and uncontroversial,” do not raise any substantive or policy issues, and do not require policy or methodological review. The process requires the submission of an overarching plan that defines the scope of the individual collections that may be submitted under that umbrella. This notice is intended to advise the public of our intent to extend OMB’s approval of our MACPro (Medicaid and CHIP Program) umbrella and all of the individual generic collection of information requests that fall under that umbrella. This notice also provides the public with general instructions for obtaining documents that are associated with such collections and for submitting comments.

DATES: Comments must be received by August 28, 2023.

ADDRESSES:

Submitting Comments When commenting, please reference the applicable collection’s CMS ID number and/or the OMB control number (both numbers are listed below under the **SUPPLEMENTARY INFORMATION** caption). To be assured consideration, comments and recommendations must be submitted in any one of the following ways and by the applicable due date:

1. *Electronically.* We encourage you to submit comments through the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under “Docket Information.” If needed, instructions for submitting such comments can be found on that website.

2. *By regular mail.* Alternatively, you can submit written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs (OSORA), Division of

Regulations Development, Attention: CMS–10434/OMB 0938–1188, Room C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Obtaining Documents To obtain copies of supporting statements and any related forms and supporting documents for the collections listed in this notice, please refer to the following instructions:

1. We encourage you to access the Federal eRulemaking portal at the applicable web address listed below under the **SUPPLEMENTARY INFORMATION** caption under “Docket Information.” If needed, follow the online instructions for accessing the applicable docket and the documents contained therein.

FOR FURTHER INFORMATION CONTACT: For general information contact William N. Parham at 410–786–4669. For policy related questions, contact the individual listed below under the **SUPPLEMENTARY INFORMATION** caption under “Docket Information.”

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c). Generally, it applies to voluntary and mandatory requirements that are related to any one or more of the following activities: the collection of information, the reporting of information, the disclosure of information to a third-party, and/or recordkeeping.

While there are some exceptions (such as collections having non-substantive changes and collections requesting emergency approval) section 3506(c)(2)(A) of the PRA requires federal agencies to publish 60- and 30-day notices in the **Federal Register** and solicit comment on each of its proposed collections of information, including: new collections, extensions of existing collections, revisions of existing collections, and reinstatements of previously approved collections before submitting such collections to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Interested parties are invited to submit comments regarding our burden estimates or any other aspect of the collection, including: the necessity and utility of the proposed information collection for the proper performance of our agency’s functions; the accuracy of burden estimates; 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. See **DATES** and **ADDRESSES** for instructions for submitting comments.

While we will review all comments received, we may choose not to post off-topic or inappropriate comments. Otherwise, all comments will be posted without edit under the applicable docket number, including any personal information that the commenter provides. Our response to such comments will be posted at [reginfo.gov](https://www.reginfo.gov) under the applicable OMB control number.

Medicaid and CHIP Program (MACPro)

At this time, MACPro is made up of the main umbrella (see collection number 1 in the following list) and nine individual generic collections of information (see collection numbers 2 through 10 in the following list). Details such as the collection's requirements and burden estimates can be found in the collection's supporting statement and associated materials (see **ADDRESSES** for instructions for obtaining such documents).

Docket Information

1. *Title:* Medicaid and CHIP Program (MACPro).

Type of Request: Revision of a currently approved collection.

CMS ID Number: CMS-10434.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0080.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0080>.

For Policy Related Questions, Contact: William N. Parham at 410-786-4669.

2. *Title:* Initial Application.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #1.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0081.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0081>.

For Policy Related Questions, Contact: Stephanie Bell at 410-786-0617.

3. *Title:* CHIP State Plan Eligibility.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #2.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0082.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0082>.

For Policy Related Questions, Contact: Stephanie Bell at 410-786-0617.

4. *Title:* Alternative Benefit Plans (ABPs).

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #3.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0083.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0083>.

For Policy Related Questions, Contact: Adrienne Delozier at 410-786-0278.

5. *Title:* Medicaid State Plan

Eligibility.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #15.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0090.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0090>.

For Policy Related Questions, Contact: Suzette Seng at 410-786-4703.

6. *Title:* Health Home State Plan Amendment (SPA).

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #22.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0084.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0084>.

For Policy Related Questions, Contact: Mary Pat Farkas at 410-786-5731.

7. *Title:* Medicaid Adult and Child Core Set Measures.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #26.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0085.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0085>.

For Policy Related Questions, Contact: Virginia (Gigi) Raney at 410-786-6117.

8. *Title:* Maternal and Infant Health Quality.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #45.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0086.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0086>.

For Policy Related Questions, Contact: Virginia (Gigi) Raney at 410-786-6117.

9. *Title:* Health Home Core Sets.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #47.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0087.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0087>.

For Policy Related Questions, Contact: Mary Pat Farkas at 410-786-5731.

10. *Title:* Medicaid Extended Postpartum Coverage and Continuous Eligibility for Children.

Type of Request: Extension of a currently approved collection.

CMS ID Number: CMS-10434 #77.

OMB Control Number: 0938-1188.

eRulemaking Docket ID Number: CMS-2023-0088.

Docket Web Address: <https://www.regulations.gov/docket/CMS-2023-0088>.

For Policy Related Questions, Contact: Alexa Turner at 410-786-8823.

Dated: July 24, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023-15960 Filed 7-26-23; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-D-4417]

Center for Drug Evaluation and Research's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality; 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 final guidance for industry entitled "CDER's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality." This guidance describes a program at FDA's Center for Drug Evaluation and Research (CDER) to make public a comprehensive listing of recognized voluntary consensus standards related to pharmaceutical quality. This program facilitates submissions by external stakeholders and FDA staff proposing voluntary consensus standards related to pharmaceutical quality for recognition. CDER believes that this program will help promote innovation in pharmaceutical development and manufacturing and streamline the preparation and assessment of marketing applications for products regulated by CDER. This guidance

finalizes the draft guidance of the same title issued on February 14, 2019.

DATES: The announcement of the guidance is published in the **Federal Register** on July 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-2018-D-4417 for "CDER's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality." 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 office

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 this 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. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Colleen Thomas, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New

Hampshire Ave., Bldg. 51, Rm. 4159, Silver Spring, MD 20993-0002, 301-796-4853.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled "CDER's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality." This guidance describes a program at CDER to make public a comprehensive listing of recognized voluntary consensus standards related to pharmaceutical quality. This program, established by publication of this final guidance, facilitates submissions by external stakeholders and FDA staff proposing voluntary consensus standards related to pharmaceutical quality for recognition.

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) and Circular A-119 by the Office of Management and Budget (OMB) have established Federal Government policies to improve the internal management of the executive branch by directing Agencies to use voluntary consensus standards developed or adopted by a standards-developing organization—rather than Government-unique standards—except where these standards are inconsistent with applicable law or otherwise impractical. FDA's development and use of standards have been integral to the execution of FDA's mission.

This program will help promote innovation in pharmaceutical development and manufacturing and streamline the preparation and review of marketing applications for products regulated by CDER. CDER also believes that this program (1) allows CDER to communicate to external stakeholders that its relevant expert(s) have evaluated a consensus standard and determined if that standard is potentially useful both to industry and FDA staff, and (2) provides transparency to industry regarding CDER's thinking about a method or approach.

This guidance finalizes the draft guidance entitled "CDER's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality" issued on February 14, 2019 (84 FR 4076). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include: clarification of the program's policies and procedures and the program's relationship to existing guidances, regulations, and policies under which CDER operates.

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 "CDER's Program for the Recognition of Voluntary Consensus Standards Related to Pharmaceutical Quality." 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 collection of information in this guidance has been approved under OMB control number 0910–0139.

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/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: July 24, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–15916 Filed 7–26–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0986]

Hydrogen Peroxide-Based Contact Lens Care Products: Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions; Guidance for Industry 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 "Hydrogen Peroxide-Based Contact Lens Care Products:

Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions." FDA is issuing this guidance to provide labeling recommendations for Hydrogen Peroxide-Based Contact Lens Care Products (HPCPs) submitted in premarket notification (510(k)) submissions. The labeling recommendations in this guidance are intended to promote the safe and effective use of HPCPs and help consumers receive and understand information regarding the benefits and risks associated with the use of the device.

DATES: The announcement of the guidance is published in the **Federal Register** on July 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–2022–D–0986 for "Hydrogen Peroxide-Based Contact Lens Care Products: Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions." 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 “Hydrogen Peroxide-Based Contact Lens Care Products: Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions” 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: Angelo Green, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1306, Silver Spring, MD 20993–0002, 301–796–6860.

SUPPLEMENTARY INFORMATION:

I. Background

The safety and effectiveness of HPCPs when used as directed has been well established in the last few decades; however, FDA had become aware of an increase in the number of adverse event reports related to the misuse of these products. These reports led FDA to convene a meeting of the Ophthalmic Devices Panel of the Medical Devices Advisory Committee and the Risk Communication Advisory Committee on March 17, 2017, to discuss additional measures to mitigate the potential risk for misuse of these devices. The meeting covered a range of important issues, including appropriate labeling and

packaging of these products and the importance of clearly communicating these concerns to the consumer public, which were incorporated into this guidance. This guidance is intended to provide recommendations concerning the content and format of labeling for HPCPs. FDA believes that the labeling recommendations in this guidance may help manufacturers develop labeling with information about specific risks and directions for use of the HPCPs in conjunction with a user’s prescribed contact lenses.

A notice of availability of the draft guidance appeared in the **Federal Register** of August 17, 2022 (87 FR 50629). FDA considered the comments received and revised the guidance as appropriate in response to the comments, including clarifying examples and language included in the guidance recommendations.

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 “Hydrogen Peroxide-Based Contact Lens Care Products: Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions.” 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. 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>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Persons unable to download an electronic copy of “Hydrogen Peroxide-Based Contact Lens Care Products: Consumer Labeling Recommendations—Premarket Notification (510(k)) Submissions” may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number GUI00018041 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new 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 the following FDA regulations have been approved by OMB as listed in the following table:

21 CFR part	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification	0910–0485

Dated: July 19, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–15879 Filed 7–26–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2857]

Diana Daffin: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debaring Diana Daffin from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Ms. Daffin was convicted of a felony under Federal law for conduct that relates to the regulation of any drug product under the FD&C Act. Ms. Daffin was given notice of the proposed permanent debarment and was given an opportunity to request a hearing to show why she should not be debarred. As of April 2, 2023 (30 days after receipt of the notice), Ms. Daffin has not

responded to the notice. Ms. Daffin’s failure to respond and request a hearing within the prescribed timeframe constitutes a waiver of her right to a hearing concerning this action.

DATES: This order is applicable July 27, 2023.

ADDRESSES: Any application by Ms. Daffin for special termination of debarment under section 306(d)(4) of the FD&C Act (21 U.S.C. 335a(d)(4)) may be submitted as follows:

Electronic Submissions

■ **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically,

including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on <https://www.regulations.gov>.

■ If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

■ *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

■ For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All applications must include the Docket No. FDA-2022-N-2857. Received applications will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

■ *Confidential Submissions*—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and

contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your application and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500, between 9 a.m. and 4 p.m., Monday through Friday. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa, Division of Compliance and Enforcement, Office of Policy, Compliance, and Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 240-402-8743, or debarments@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)) requires debarment of an individual from providing services in any capacity to a person that has an approved or pending drug product application if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act. On November 2, 2022, Ms. Daffin was convicted in the U.S. District Court for the District of New Hampshire, when the court entered a judgment of conviction, after her plea of guilty, to one count of introduction into interstate commerce of unapproved drugs in violation of 21 U.S.C. 331(d), 333(a)(2), and 355(a), a felony offense under Federal law.

As described in the plea agreement in Ms. Daffin's case, filed on June 22, 2022; the factual basis for this conviction is as follows: Ms. Daffin operated a business, Savvy Holistic Health d/b/a Holistic Healthy Pet, from Ms. Daffin's home, which primarily sold holistic pet remedies on its website holistichealthypet.com. On or about March 9, 2020, during routine internet surveillance, FDA personnel noticed that Ms. Daffin's website was offering

for sale AN330, a "HAMPL" branded product marketed to treat COVID-19 in humans. Later investigation showed that Ms. Daffin also offered for sale another HAMPL product, Respiratory Immune 331, intended to cure, mitigate, treat, and prevent COVID-19 in humans. AN330 and Respiratory Immune 331 were new drugs and were not approved by FDA. On April 7, 2020, and on August 25, 2020, FDA issued warning letters advising Ms. Daffin that products offered for sale on her website were unapproved new drugs and their distribution violated the FD&C Act. After receiving the warning letters, Ms. Daffin represented to FDA that she would remove violative products from her website and cease distributing them; however, she continued distributing these products and took steps to defraud and mislead FDA. For example, Ms. Daffin told customers seeking her HAMPL products to place orders on weekends when she stated that she would open her password protected website to customers because Ms. Daffin assumed FDA employees were not checking her website on weekends. Ms. Daffin stated that she would then close her website to search engines during the week.

Although Ms. Daffin told FDA that she would be closing the HAMPL product line, instead, in February 2021, Ms. Daffin sold to an undercover law enforcement officer Respiratory Immune 331, a HAMPL product intended to cure, mitigate, treat, and prevent COVID-19 in humans. In an email leading up to the sale, Ms. Daffin told the undercover officer, "This stuff does work for COVID, but FDA shut it down." In another email, Ms. Daffin admitted to the undercover officer that Ms. Daffin had been warned that "these all natural homeopathy and herbs," appearing to refer to the HAMPL products Ms. Daffin sold, were unapproved drugs. Ms. Daffin nevertheless sold the HAMPL to the undercover officer.

Based on this conviction, FDA sent Ms. Daffin by certified mail on February 24, 2023, a notice proposing to permanently debar her from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)), that Ms. Daffin was convicted, as set forth in section 306(l)(1) of the FD&C Act, of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. The proposal also offered Ms. Daffin an opportunity to request a hearing, providing her 30 days

from the date of receipt of the letter in which to file the request, and advised her that failure to file a timely request for a hearing would constitute an election not to use the opportunity for a hearing and a waiver of any contentions concerning this action. Ms. Daffin received the proposal on March 3, 2023. She did not request a hearing within the timeframe prescribed by regulation and has, therefore, waived her opportunity for a hearing and any contentions concerning her debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(a)(2)(B) of the FD&C Act (21 U.S.C. 335a(a)(2)(B)), under authority delegated to the Assistant Commissioner, finds that Diana Daffin has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing finding, Ms. Daffin is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application, effective (see **DATES**) (see sections 306(a)(2)(B) and 306(c)(2)(A)(ii) of the FD&C Act, (21 U.S.C. 335a(a)(2)(B) and 335a(c)(2)(A)(ii))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses in any capacity the services of Ms. Daffin during her debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Ms. Daffin provides services in any capacity to a person with an approved or pending drug product application during her period of debarment she will be subject to civil money penalties (section 307(a)(7) of the FD&C Act (21 U.S.C. 335b(a)(7))). In addition, FDA will not accept or review any abbreviated new drug application from Ms. Daffin during her period of debarment, other than in connection with an audit under section 306 of the FD&C Act (section 306(c)(1)(B) of the FD&C Act (21 U.S.C. 335a(c)(1)(B))). Note that, for purposes of sections 306 and 307 of the FD&C Act (21 U.S.C. 335a and 335b), a “drug product” is defined as a “drug subject to regulation under section 505, 512, or 802 of this Act [(21 U.S.C. 355, 360b, 382)] or under section 351 of the Public Health Service Act [(42 U.S.C. 262)]” (section 201(dd) of the FD&C Act (21 U.S.C. 321(dd))).

Dated: July 24, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–15944 Filed 7–26–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–2608]

Cellular, Tissue, and Gene Therapies Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cellular, Tissue, and Gene Therapies Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. On September 27, 2023, the committee will discuss and make recommendations on biologics license application (BLA) 125782 from BrainStorm Therapeutics, Inc. for debamestrol (autologous bone marrow-derived mesenchymal stromal cells induced to secrete neurotrophic factors). The applicant has requested an indication for the treatment of amyotrophic lateral sclerosis (ALS). The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on September 27, 2023, from 10 a.m. to 6 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

The online web conference meeting will be available at the following link on the day of the meeting: <https://youtube.com/live/c-2-33ipSbk>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2023–N–2608. The docket will close on September 26, 2023. Please note that late, untimely filed comments will not be considered.

The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 26, 2023. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 20, 2023, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments 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–N–2608 for “Cellular, Tissue, and Gene Therapies Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” FDA 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 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 the 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.

FOR FURTHER INFORMATION CONTACT: Marie DeGregorio or Cicely Reese, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 1246, Silver Spring,

MD 20993–0002, email: CBERCTGTAC@fda.hhs.gov, 240–701–9119, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA’s website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On September 27, 2023, the committee will discuss and make recommendations on BLA 125782 from BrainStorm Therapeutics, Inc. for debamestrol (autologous bone marrow-derived mesenchymal stromal cells induced to secrete neurotrophic factors). The applicant has requested an indication for the treatment of ALS.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA’s website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before September 20, 2023, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:40 p.m. and 2:40 p.m. Eastern Time on September 27, 2023. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the

evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on September 12, 2023. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by 6 p.m. Eastern Time on September 14, 2023.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Marie DeGregorio or Cicely Reese at CBERCTGTAC@fda.hhs.gov (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. No participant will be prejudiced by this waiver, and that the ends of justice will be served by allowing for this modification to FDA’s advisory committee meeting procedures.

Dated: July 24, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023–15923 Filed 7–26–23; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS-0990-0001]

Agency Information Collection Request; 30-Day Public Comment Request**AGENCY:** Office of the Secretary, HHS.**ACTION:** Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 28, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, Sherrette.Funn@hhs.gov

or (202) 264-0041, or PRA@HHS.GOV. When submitting comments or requesting information, please include the document identifier 0990-0001-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application for waiver of the two-year foreign residence requirement of the Exchange Visitor Program.

Type of Collection: Reinstatement with change.

OMB No. 0990-0001.

Abstract: The Department of Health and Human Services, Office of Global Health Affairs program deals with both research and clinical care waivers.

Applicant institutions apply to this Department to request a waiver on behalf of research scientists or foreign medical graduates to work as clinicians in HHS designated health shortage areas doing primary care in medical facilities. The instructions request a copy of Form G-28 from applicant institutions represented by legal counsel outside of the applying institution. United States Department of Justice Form G-28 ascertains that legal counsel represents both the applicant organization and the exchange visitor. One program change has been made: the category of Hospitalist has been added to eligible applicants in the Clinical Care waivers which was 35 respondents increase by 415 to 450 respondents and the burden was 350 increased by 4,150 to 4,500. The total burden was 800 hours; it has increased by 4,150 hours a total of 4,950.

Need and Proposed Use of the Information: Required as part of the application process to collect basic information such as name, address, family status, sponsor and current visa information.

Likely Respondents: Research scientists and research facilities.

ANNUALIZED BURDEN HOUR TABLE

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Application Waiver/Supplemental A Research.	HHS 426	45	1	10	450
Application Waiver/Supplemental B Clinical Care.	HHS 426	450	1	10	4,500
Total .....	.....	.....	.....	.....	4,950

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2023-15892 Filed 7-26-23; 8:45 am]

BILLING CODE 4150-38-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of General Medical Sciences; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Institute of General Medical Sciences Special Emphasis Panel, Review of Support for Conferences and Scientific Meetings (R13), July 27, 2023, 1 p.m.–3 p.m., National Institutes of Health, National

Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, Maryland 20892 which was published in the **Federal Register** on July 27, 2023, FR Doc 2023-13726, 88 FR 41973.

This notice is being amended to change the meeting date and time from July 27, 2023, 1 p.m.–3 p.m. to August 7, 2023, 12 p.m.–1:30 p.m. The meeting location will stay the same. The meeting is closed to the public.

Dated: July 24, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-15906 Filed 7-26-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Policy and Program Evaluation.

Date: August 14, 2023.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michelle L. Barnard, Ph.D., Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes of Health, 6707 Democracy Boulevard, Room 7353, Bethesda, MD 20892–2542, (301) 594–8898, barnardm@extra.niddk.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 21, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–15868 Filed 7–26–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 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 Aging Special Emphasis Panel; Neuroplasticity in Auditory Aging.

Date: September 11, 2023.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nesar Uddin Akanda, M.D., Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, 7201 Wisconsin Avenue, Room: 2E405, Bethesda, MD 20892, (301) 555–1212, nesar.akanda@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–15908 Filed 7–26–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 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 Aging Special Emphasis Panel; NIA Multi-site Clinical Trial Implementation Grant Review.

Date: September 7, 2023.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rajasri Roy, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institutes of Health, National Institute on Aging, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496–9666, rajasri.roy@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 24, 2023.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–15907 Filed 7–26–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment National Advisory Council

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) National Advisory Council (NAC) will meet on August 29, 2023, 9:00 a.m.–4:30 p.m. (EDT).

The meeting is open to the public and will include consideration of minutes from the SAMHSA CSAT NAC meeting of April 25, 2023, a discussion with SAMHSA leadership, a discussion on harm reduction, and discussion on addressing stigma in substance use disorder care. It will also cover updates on CSAT activities from the Office of the Director (OD); the Division of Pharmacologic Therapies (DPT); the Division of States and Community Systems (DSCS); the Division of Services Improvement (DSI); Office of Program Analysis and Coordination (OPAC); Office of Performance Analysis and Management (OPAM).

The meeting will be held at SAMHSA, 5600 Fishers Lane, 5N76, Rockville, MD 20857. Attendance by the public will be limited to space available and will be limited to the open sessions of the meeting. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations must notify the contact person, Tracy Goss, CSAT NAC Designated Federal Officer (DFO) on or before August 11, 2023. Up to two minutes will be allotted for each approved public comment as time permits. Written comments received in advance of the meeting will be considered for inclusion in the official record.

The open meeting session may also be accessed virtually. Please register online at <https://snacregister.samhsa.gov/>, to attend either on site or virtually,

submit written or brief oral comments, or request special accommodations for persons with disabilities. To communicate with the CSAT NAC DFO please see the contact information below. Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee website at <https://www.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council>, or by contacting the DFO.

Council Name: SAMHSA's Center for Substance Abuse Treatment National Advisory Council.

Date/Time/Type: August 29, 2023, 9:00 a.m.–4:30 p.m. EDT, OPEN.

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Email: tracy.goss@samhsa.hhs.gov.

Dated: July 21, 2023.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2023–15895 Filed 7–26–23; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2023–0002; Internal Agency Docket No. FEMA–B–2353]

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 October 25, 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–2353, 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.”)

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Hunterdon County, New Jersey (All Jurisdictions) Project: 18-02-0007S Preliminary Date: April 02, 2021	
Town of Clinton	Municipal Building, 43 Leigh Street, Clinton, NJ 08809.
Township of Clinton	Clinton Municipal Building, 1225 Route 31 South, Lebanon, NJ 08833.
Township of Franklin	Franklin Municipal Building, 202 Sidney Road, Pittstown, NJ 08867.
Township of Raritan	Raritan Municipal Building, One Municipal Drive, Flemington, NJ 08822.
Township of Readington	Readington Municipal Building, 509 Route 523, Whitehouse Station, NJ 08889.
Somerset County, New Jersey (All Jurisdictions) Project: 18-02-0007S Preliminary Date: March 26, 2021	
Township of Branchburg	Municipal Building, Engineering Department, 1077 US Highway 202 North, Branchburg, NJ 08876.
Township of Bridgewater	Municipal Building, 100 Commons Way, Bridgewater, NJ 08807.

[FR Doc. 2023-15873 Filed 7-26-23; 8:45 am]

BILLING CODE 9110-12-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 December 7, 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 Sacibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) patrick.sacibit@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.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Watonwan County, Minnesota and Incorporated Areas Docket No.: FEMA-B-2235	
City of Madelia	City Hall, 18 Drew Avenue Northeast, Madelia, MN 56062.
City of Odin	Fire Hall, 111 1st Street North, Odin, MN 56160.
City of St. James	City Hall, 1205 6th Avenue South, St. James, MN 56081.
Unincorporated Areas of Watonwan County	Watonwan County Resource Center, 108 8th Street South, St. James, MN 56081.

Community	Community map repository address
Jackson County, Missouri and Incorporated Areas Docket No.: FEMA-B-2233	
City of Independence	Mayor's Office, 111 East Maple Avenue, Independence, MO 64050.
City of Kansas City	Water Services Administration Building, 4800 East 63rd Street, Kansas City, MO 64130.
City of Levasy	City Hall, 103 Pacific Street, Levasy, MO 64066.
City of Sugar Creek	Mayor's Office, 103 South Sterling Avenue, Sugar Creek, MO 64054.
Unincorporated Areas of Jackson County	Jackson County Executive's Office, 415 East 12th Street, Suite 200, Kansas City, MO 64106.
Clinton County, New York (All Jurisdictions) Docket No.: FEMA-B-2051 and FEMA B-2186	
City of Plattsburgh	City Hall, 41 City Hall Place, Plattsburgh, NY 12901.
Town of Altona	Town Hall, 3124 Miner Farm Road, Altona, NY 12910.
Town of Ausable	Ausable Town Hall, 111 Ausable Street, Keeseville, NY 12944.
Town of Beekmantown	Beekmantown Town Hall, 571 Spellman Road, West Chazy, NY 12992.
Town of Black Brook	Black Brook Town Hall, 18 North Main Street, AuSable Forks, NY 12912.
Town of Champlain	Town Hall, 10729 Route 9, Champlain, NY 12919.
Town of Chazy	Town Hall, 9631 State Route 9, Chazy, NY 12921.
Town of Clinton	Churubusco Town Hall, 23 Smith Street, Churubusco, NY 12923.
Town of Dannemora	Dannemora Municipal Building, 78 Higby Road, Ellenburg Depot, NY 12935.
Town of Ellenburg	Ellenburg Town Municipal Building, 16 St. Edmunds Way, Ellenburg Center, NY 12934.
Town of Mooers	Town Hall, 2508 State Route 11, Mooers, NY 12958.
Town of Peru	Town Hall, 3036 Main Street, Peru, NY 12972.
Town of Plattsburgh	Town Hall, 151 Banker Road, Plattsburgh, NY 12901.
Town of Saranac	Town Hall, 3662 Route 3, Saranac, NY 12981.
Town of Schuyler Falls	Schuyler Falls Town Hall, 997 Mason Street, Morrisonville, NY 12962.
Village of Champlain	Village of Champlain Office, 11104 State Route 9, Champlain, NY 12919.
Village of Dannemora	Village Office, 40 Emmons Street, Dannemora, NY 12929.
Village of Rouses Point	Village Office, 139 Lake Street, Rouses Point, NY 12979.
Ross County, Ohio and Incorporated Areas Docket No.: FEMA-B-2262	
City of Chillicothe	City Administration Building, 35 South Paint Street, Chillicothe, OH 45601.
Unincorporated Areas of Ross County	Ross County Building Department, 15 North Paint Street, Chillicothe, OH 45601.

[FR Doc. 2023-15877 Filed 7-26-23; 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-2354]****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 October 25, 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-2354, 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.")

Nicholas A. Shufro,
Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Lake County, South Dakota and Incorporated Areas Project: 20-08-0004S Preliminary Date: March 29, 2023	
City of Brant Lake	Lake County Courthouse, 200 East Center Street, Madison, SD 57042.
City of Madison	City Hall, 116 West Center Street, Madison, SD 57042.
Town of Nunda	Lake County Courthouse, 200 East Center Street, Madison, SD 57042.
Town of Ramona	Lake County Courthouse, 200 East Center Street, Madison, SD 57042.
Unincorporated Areas of Lake County	Lake County Courthouse, 200 East Center Street, Madison, SD 57042.

[FR Doc. 2023-15875 Filed 7-26-23; 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-2355]

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 October 25, 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-2355, 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.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Baraga County, Michigan (All Jurisdictions)	
Project: 16-05-2942S Preliminary Date: April 22, 2022 and January 05, 2023	
Keweenaw Bay Indian Community L'Anse Reservation	Keweenaw Bay Tribal Center, 16429 Beartown Road, Baraga, MI 49908.
Township of Arvon	Skanee Town Hall, 20986 Park Road, Skanee, MI 49962.
Township of Baraga	Baraga Township Building, 325 Lyons Street, Baraga, MI 49908.
Township of Covington	Township Multi-Purpose Building, 12898 Highway M28, Covington, MI 49919.
Township of L'Anse	Township Hall, 126 North Main Street, L'Anse, MI 49946.
Village of Baraga	Village Hall, 100 Hemlock Street, Baraga, MI 49908.
Village of L'Anse	Village Hall, 101 North Main Street, L'Anse, MI 49946.

[FR Doc. 2023-15874 Filed 7-26-23; 8:45 am]

BILLING CODE 9110-13-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 November 30, 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.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Monterey County, California and Incorporated Areas Docket No.: FEMA-B-2229	
City of Gonzales	Public Works Department, 147 4th Street, Gonzales, CA 93926.
City of Salinas	Public Works Department, Development Engineering Division, 200 Lincoln Avenue, Salinas, CA 93901.
City of Soledad	Public Works Department, 248 Main Street, Soledad, CA 93960.
Unincorporated Areas of Monterey County	Monterey County Government Center, Public Works, Facilities, and Parks Department, 2nd Floor, 1441 Schilling Place, Salinas, CA 93901.
Weld County, Colorado and Incorporated Areas Docket No.: FEMA-B-2101	
City of Evans	City Hall, 1100 37th Street, Evans, CO 80620.
City of Fort Lupton	City Hall, 130 South McKinley Avenue, Fort Lupton, CO 80621.
City of Greeley	City Center East, 1000 10th Street, Greeley, CO 80631.
Town of Firestone	Town Hall, 9950 Park Avenue, Firestone, CO 80504.
Town of Frederick	Town Hall, 401 Locust Street, Frederick, CO 80530.
Town of Kersey	Town Hall, 446 1st Street, Kersey, CO 80644.
Town of La Salle	Town Hall, 128 North 2nd Street, La Salle, CO 80645.
Town of Mead	Town Hall, 441 3rd Street, Mead, CO 80542.
Town of Milliken	Town Hall, 1101 Broad Street, Milliken, CO 80543.
Town of Platteville	Town Hall, 400 Grand Avenue, Platteville, CO 80651.
Town of Windsor	Town Hall, 301 Walnut Street, Windsor, CO 80550.
Unincorporated Areas of Weld County	Weld County Administrative Building, 1150 O Street, Greeley, CO 80631.
Pettis County, Missouri and Incorporated Areas Docket No.: FEMA-B-2031 and FEMA-B-2186	
City of Houstonia	City Hall, 121 North Walnut Street, Houstonia, MO 65333.
City of Sedalia	City Hall, 200 South Osage Avenue, Sedalia, MO 65301.
Unincorporated Areas of Pettis County	Pettis County Courthouse, 415 South Ohio Avenue, Suite 212, Sedalia, MO 65301.
Logan County, Ohio and Incorporated Areas Docket No.: FEMA-B-1436	
City of Bellefontaine	Engineering Department, 135 North Detroit Street, Bellefontaine, OH 43311.
Unincorporated Areas of Logan County	Logan County Office Building, 100 South Madriver Street, Bellefontaine, OH 43311.
Village of Belle Center	Belle Center Village Office, 104 West Buckeye Street, Belle Center, OH 43310.
Village of DeGraff	DeGraff City Building, 107 South Main Street, DeGraff, OH 43318.
Village of Lakeview	Lakeview Municipal Building, 126 North Main Street, Lakeview, OH 43331.
Village of Quincy	Village Hall, 115 North Miami Street, Quincy, OH 43343.
Village of Russells Point	Logan County Office Building, 100 South Madriver Street, Bellefontaine, OH 43311.
Village of Valley Hi	Valley Hi Administrative Office, 325 North Main Street, Bellefontaine, OH 43311.
Village of West Liberty	Town Hall, 201 North Detroit Street, West Liberty, OH 43357.
Village of Zanesfield	Village of Zanesfield, 2851 Sandusky Street, Zanesfield OH 43360.

Community	Community map repository address
Weber County, Utah and Incorporated Areas Docket No.: FEMA-B-2245	
City of Farr West City	City Hall, 1896 North 1800 West, Farr West City, UT 84404.
City of Harrisville	City Hall, 363 West Independence Boulevard, Harrisville, UT 84404.
City of Marriott-Slaterville	City Hall, 1570 West 400 North, Marriott-Slaterville, UT 84404.
City of North Ogden	City Hall, 505 East 2600 North, North Ogden, UT 84414.
City of Ogden	City Hall, 2549 Washington Boulevard, Ogden, UT 84401.
City of Plain City	City Hall, 4160 West 2200 North, Plain City, UT 84404.
City of Riverdale	City Hall, 4600 South Weber River Drive, Riverdale, UT 84405.
City of South Ogden	City Hall, 3950 South Adams Avenue, South Ogden, UT 84403.
City of West Haven	City Hall, 4150 South 3900 West, West Haven, UT 84401.
Unincorporated Areas of Weber County	Weber County Government Building, 2380 Washington Boulevard, Ogden, UT 84401.

[FR Doc. 2023-15876 Filed 7-26-23; 8:45 am]

BILLING CODE 9110-12-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 December 21, 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.")

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Lincoln County, Kansas and Incorporated Areas Docket No.: FEMA-B-2282	
City of Barnard	City Office, 313 Main Street, Barnard, KS 67418.
City of Beverly	City Office, 203 North Main Street, Beverly, KS 67423.
City of Lincoln Center	City Hall, 153 West Lincoln Avenue, Lincoln Center, KS 67455.
City of Sylvan Grove	City Hall, 118 South Main Street, Sylvan Grove, KS 67481.
Unincorporated Areas of Lincoln County	Lincoln County Courthouse, 216 East Lincoln Avenue, Lincoln Center, KS 67455.
Ottawa County, Kansas and Incorporated Areas Docket No.: FEMA-B-2285	
City of Bennington	City Office, 121 North Nelson Street, Bennington, KS 67422.
City of Culver	City Hall, 205 Kansas Avenue, Culver, KS 67484.

Community	Community map repository address
City of Delphos	City Office, 112 North Main Street, Delphos, KS 67436.
City of Minneapolis	City Hall, 311 North Mill Street, Minneapolis, KS 67467.
City of Tescott	City Office, 101 North Main Street, Tescott, KS 67484.
Unincorporated Areas of Ottawa County	Ottawa County Courthouse, 307 North Concord Street, Suite 106, Minneapolis, KS 67467.
Delaware County, Ohio and Incorporated Areas Docket No.: FEMA-B-2249	
City of Delaware	City Hall, 1 South Sandusky Street, Delaware, OH 43015.
City of Powell	City Office, 47 Hall Street, Powell, OH 43065.
Unincorporated Areas of Delaware County	Delaware County Building Regulations, 50 Channing Street, South Wing, Delaware, OH 43015.
Village of Ostrander	Village Offices, 19 South Main Street, Ostrander, OH 43061.
Marion County, Ohio and Incorporated Area Docket No.: FEMA-B-2256	
Unincorporated Areas of Marion County	Marion County Building, 222 West Center Street, Marion, OH 43302.
Village of Caledonia	Village of Caledonia Town Hall, 110 East Marion Street, Caledonia, OH 43314.
Marshall County, South Dakota and Incorporated Areas Docket No.: FEMA-B-2264	
City of Veblen	Veblen Municipal Building, 115 North Flick Street, Veblen, SD 57270.
Sisseton Wahpeton Oyate Tribe	Sisseton Wahpeton Oyate Emergency Management Office, 12554 BIA Highway 711, Agency Village, SD 57262.
Town of Langford	City Finance Office, 306 Main Street, Langford, SD 57454.
Unincorporated Areas of Marshall County	Marshall County Courthouse, 911 Vander Horck Street, Britton, SD 57430.

[FR Doc. 2023-15878 Filed 7-26-23; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Citizenship and Immigration Services**

[OMB Control Number 1615-0018]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Permission To Reapply for Admission Into the United States After Deportation or Removal**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.**ACTION:** 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 28, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <http://www.regulations.gov> under e-Docket ID number USCIS-2005-0034. All submissions received must include the OMB Control Number 1615-0018 in the body of the letter, the agency name and Docket ID USCIS-2005-0034.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721-3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <http://www.uscis.gov>, or call the USCIS Contact Center at (800) 375-5283; TTY (800) 767-1833.

SUPPLEMENTARY INFORMATION:**Comments**

The information collection notice was previously published in the **Federal**

Register on April 18, 2023, at 88 FR 23682, allowing for a 60-day public comment period. USCIS did not receive comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2005-0034 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies

should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-212, e-SAFE; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. Sections 212(a)(9)(A) and 212(a)(9)(C) of the Immigration and Nationality Act (Act) render an alien inadmissible to the United States unless he or she obtains the consent to reapply (also known as permission to reapply) for admission to the United States. An alien who is inadmissible under these provisions has either been removed (deported, or excluded) from the United States, or illegally reentered after having been removed (deported, or excluded), or illegally reentered after having accrued more than one year of unlawful presence in the United States. The information collection required on an Application for Permission to Reapply for Admission into the United States After Deportation or Removal, Form I-212, is necessary for U.S. Citizenship and Immigration Services (USCIS) to determine whether the applicant is eligible to file the waiver. If the application is approved, the alien will be permitted to apply for admission to the United States, after being granted a visa with the Department of State (DOS)

as either an immigrant or a nonimmigrant.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-212 is 6,800 and the estimated hour burden per response is 1.87 hours. The estimated total number of respondents for the information collection e-SAFE is 1,200 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection Biometrics is 350 and the estimated hour burden per response is 1.17 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 15,503 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$364,260.

Dated: July 21, 2023.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2023-15887 Filed 7-26-23; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0069]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application by Refugee for Waiver of Inadmissibility Grounds

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment on this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of

respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 25, 2023.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0069 in the body of the letter, the agency name and Docket ID USCIS-2006-0042. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2006-0042.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2006-0042 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application by Refugee for Waiver of Inadmissibility Grounds.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-602; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The data collected on Form I-602, Application by Refugee for Waiver of Inadmissibility Grounds, will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-602 is 479 and the estimated hour burden per response is 7.866 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,768 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$61,671.

Dated: July 21, 2023.

Samantha L. Deshommes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2023-15894 Filed 7-26-23; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0099]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for T Nonimmigrant Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 25, 2023.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0099 in the body of the letter, the agency name and Docket ID USCIS-2006-0059. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2006-0059.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions

or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2006-0059 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-914; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Federal Government; or State, local or Tribal Government. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits. This application incorporates information

pertinent to eligibility under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106–386, and a request for employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–914 is 3,432 and the estimated hour burden per response is 2.63 hours. The estimated total number of respondents for the information collection I–914 Supplement A is 1,720 and the estimated hour burden per response is 1.08 hours. The estimated total number of respondents for the information collection I–914 Supplement B is 2,402 and the estimated hour burden per response is 3.83 hours. The estimated total number of respondents for the information collection of biometrics is 5,152 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 21,517 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$5,905,400.

Dated: July 21, 2023.

Samantha L. Deshommes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2023–15893 Filed 7–26–23; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0105]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Notice of Entry of Appearance as Attorney or Accredited Representative

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently

approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 25, 2023.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0105 in the body of the letter, the agency name and Docket ID USCIS–2008–0037. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2008–0037.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

Adding Paralegals and Other Law Firm Employees

DHS is proposing to revise the subject information collection to allow an attorney or accredited representative to name a paralegal that they supervise who would be permitted to communicate with USCIS in named limited circumstances. See the form and form instructions in the documents for the specific changes being proposed.

DHS is proposing to limit the change to the form to allow for the addition of a paralegal and not extend it to any employee of the organization or firm supervised by the practitioner of record on the Notice of Entry of Appearance as Attorney or Accredited Representative. USCIS believes that the employee who is provided with the authority to communicate with USCIS on a case should have education, experience and training in regulatory compliance and professional responsibility, and

understand the distinction between administrative tasks and independent legal advice. The term paralegal is not defined by law or regulated by all states or state bar associations but education and training is generally associated with being a paralegal.¹ USCIS believes that the term “paralegal” is sufficiently used and understood by the public to be an individual qualified to afford protections to affected parties who submit immigration benefit requests that exceed what would be provided by another employee.

USCIS specifically requests comments on the limitation from the practitioner community and others who may be affected on the limitation to paralegals, if that limitation should be maintained, and if not, detailed reasons why it should not.

How To Comment

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS–2008–0037 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

¹ See, e.g., NFPA: The National Federation of Paralegal Associations, Inc. at <https://www.paralegals.org/default.aspx> (last viewed June 20, 2023) (Stating, “A paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concept.”)

whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Accredited Representative.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G-28; G-28I; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. The data collected via the G-28 information collection instruments is used by DHS to determine eligibility of the individual to appear as a representative. Form G-28 is used by attorneys admitted to practice in the United States and accredited representatives of charitable organizations recognized by the Board of Immigration Appeals. Form G-28I is used by attorneys admitted to the practice of law in countries other than the United States and only in matters in DHS offices outside the geographical confines of the United States. If the representative is eligible, the form is filed with the case and the information is entered into DHS systems.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G-28 (paper filed) is 4,181,229 and the estimated hour burden per response is .940 hours; the estimated total number of respondents for the information collection G-28 (online filed) is 464,581 and the estimated hour burden per response is .783 hours; the estimated total number of respondents for the information collection G-28I (paper filed) is 31,362

and the estimated hour burden per response is .700 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 4,316,022 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$0.00.

Dated: July 21, 2023.

Samantha L. Deshommies,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2023-15890 Filed 7-26-23; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7070-N-43]

30-Day Notice of Proposed Information Collection: Informed Consumer Choice Disclosure and Application for FHA Insured Mortgages OMB Control No.: 2502-0059

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 28, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to 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. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington,

DC 20410-5000; email PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email at Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The Federal Register notice that solicited public comment on the information collection for a period of 60 days was published on May 27, 2022 at 87 FR 32182.

A. Overview of Information Collection

Title of Information Collection: Application for FHA Insured Mortgages. OMB Approval Number: 2502-0059.

Type of Request: Revision of currently approved collection.

Form Number: HUD-92900-A, HUD-92900-B, HUD-92900-LT, HUD-92561, Model Notice for Informed Consumer Choice Disclosure, Model Pre-Insurance Review/Checklist, Settlement Certification (previously known as Addendum to HUD-1) and HUD-92544.

Description of the need for the information and proposed use: Specific forms and related documents are needed to determine the eligibility of the borrower and proposed mortgage transaction for FHA's mortgage insurance endorsement. Additional documentation requirements for refinances with partial claims. Lenders seeking FHA's insurance prepare certain forms to collect data.

Respondents: Individuals (loan applicants) and Business or other for-profit (lenders).

Estimated Number of Respondents: 1,912.

Estimated Number of Responses: 6,212,229.

Frequency of Response: One for each FHA-insured mortgage.

Average Hours per Response: 1.35 hour (0.74) (varies per form and type of loan).

Total Estimated Burdens: 737,367.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Colette Pollard,

*Department Reports Management Officer
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2023-15938 Filed 7-26-23; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7071-N-15]

60-Day Notice of Proposed Information Collection: Quality Control Requirements for Direct Endorsement Lenders, OMB Control No.: 2502-0600

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested

parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 25, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and can be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at PaperworkReductionActOffice@hud.gov for a copy of the proposed forms or other available information.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at Colette.Pollard@hud.gov, telephone 202-402-3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Quality Control Requirements for Direct Endorsement Lenders.

OMB Approval Number: 2502-0600.

Type of Request: Extension of currently approved collection.

Form Number: Not Applicable.

Description of the need for the information and proposed use: Per 24

CFR 202.8(a)(3), a Direct Endorsement (DE) lender that sponsors third party originators (TPOs) is, "responsible to the Secretary for the actions of its third party originators or mortgagees in originating loans or mortgages, unless applicable law or regulation requires specific knowledge on the part of the party to be held responsible." As a result, DE lenders are responsible for conducting quality control reviews on TPO originations of FHA-insured mortgage loans and ensuring that their Quality Control Plans contain this oversight provision. This creates an information collection burden on DE lenders, since these institutions must also conduct quality control on loans they originate and underwrite. DE lenders must conduct quality control reviews on a sample of loans that they originate or underwrite, including loans originated by TPOs. For the purposes of this information collection, it is assumed that the number of loans reviewed by each DE lender will comply with the Sample Size Standard and Sample Composition Standard described in HUD Handbook 4000.1, section V.A.3.a.

In addition, under 24 CFR 203.255(c) and (e), HUD conducts both pre- and post-endorsement reviews of loans submitted for FHA insurance by DE lenders. As part of those reviews, the Secretary is authorized to determine if there is any information indicating that any certification or required document is false, misleading, or constitutes fraud or misrepresentation on the part of any party, or that the mortgage fails to meet a statutory or regulatory requirement. In order to assist the Secretary with this directive, FHA requires that lenders self-report all findings of fraud and material misrepresentation, as well any material findings concerning the origination, underwriting, or servicing of the loan that the lender is unable to mitigate or otherwise resolve, per HUD Handbook 4000.1, sections V.A.2.d. iv (A) and V.A.2.d.iv (B). The obligation to self-report these findings creates an additional information collection burden on DE lenders.

Respondents: Active Title II Direct Endorsement Lenders.

Estimated Number of Respondents: 3,187.

Estimated Number of Responses: 67,710.

Frequency of Response: Annually.

Average Hours per Response: .25.

Total Estimated Burden Hours: 16,927.50.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Annual cost
Quality control of Early Payment Defaults (EPDs)	1,463	26	38,038	.25	9,509.50	\$53.22	\$506,095.59
Quality control of loan originations	1,463	16	23,408	.25	5,852	53.22	311,443.44
Quality control through lender self-reports	261	24	6,264	.25	1,566	53.22	83,342.52

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Jeffrey D. Little,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2023-15819 Filed 7-26-23; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6413-N-01]

Preview of the FY 2023 Housing Counseling Program Homeownership Initiative; Notice of Funding Opportunity

AGENCY: Office of Housing Counseling, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: Through this notice, HUD is announcing the publication of a preview of the Fiscal Year (FY) 2023 Homeownership Initiative Notice of

Funding Opportunity (NOFO) in advance of publication on *Grants.gov*. HUD is making this preview available to allow interested applicants to review the preview of the NOFO, submit questions, and prepare applications. HUD intends to publish the NOFO and allow submission of applications in FY 2024.

FOR FURTHER INFORMATION CONTACT:

Melissa Noe, Housing Program Specialist, Policy and Grant Administration, Office of Housing Counseling, Department of Housing and Urban Development, 77 W Jackson Blvd., Room 2301, Chicago, IL 60604; telephone number 312-913-8648 (this is not a toll-free number); email housing.counseling@hud.gov. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: HUD is publishing a preview of the FY 2023 Homeownership Initiative NOFO to give interested applicants time to prepare their applications prior to the opening of the application period. During this preview, the FY 2023 Homeownership Initiative NOFO Preview is available on HUD's website at the following URL: <https://www.hud.gov/grants>.

This NOFO Preview is subject to change. While HUD does not intend to make substantive changes at this point, applicants should consider the NOFO published on *Grants.gov* to be the official version.

HUD will not accept applications during the preview period. However, during this preview, interested applicants may submit questions on the NOFO Preview to the following email address: housing.counseling@hud.gov, using the email subject line: FY 2023 Homeownership Initiative NOFO. Interested applicants may also conduct the required registration activities for the System for Award Management (SAM), Unique Entity Identifier (UEI),

and *Grants.gov* (see Section IV.C. of the NOFO Preview).

Interested applicants are strongly encouraged to thoroughly review and prepare for the NOFO, by carefully examining the NOFO Preview, with particular attention to the fixed amount award submission requirements and rating factor responses.

HUD anticipates that the FY 2023 Homeownership Initiative NOFO will be published on *Grants.gov* in FY 2024. The publication of the FY 2023 Homeownership Initiative NOFO on *Grants.gov* will signal the opening of the application period. The application period will be open for 30 days. Applications must be submitted through *Grants.gov*.

HUD will not accept requests for a waiver of electronic submission requirements during the preview period. Such requests may only be submitted once the NOFO has been published on *Grants.gov* (see Section IV.A. of the NOFO Preview).

David Berenbaum,

Deputy Assistant Secretary for Housing Counseling.

[FR Doc. 2023-15902 Filed 7-26-23; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CO_FRN_MO4500172670]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on August 28, 2023.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, P.O. Box 151029, Lakewood, CO 80215.

FOR FURTHER INFORMATION CONTACT: David W. Ginther, Chief Cadastral Surveyor for Colorado, telephone: (970) 826-5064; email: dginther@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The plat and field notes of the dependent resurvey and survey in Townships 32 North, Ranges 6 and 7 East, New Mexico Principal Meridian, Colorado, were accepted on April 27, 2023.

The plat incorporating the field notes of the remonumentation of a corner in Township 5 North, Range 72 West, Sixth Principal Meridian, Colorado, was accepted on May 19, 2023.

The plat incorporating the field notes of the remonumentation of a corner in Township 10 North, Range 73 West, Sixth Principal Meridian, Colorado, was accepted on May 19, 2023.

The plat and field notes of the corrective dependent resurvey and survey in Township 9 North, Range 74 West, Sixth Principal Meridian, Colorado, were accepted on June 6, 2023.

The plat and field notes of the dependent resurvey and subdivision of section 14 in Township 11 North, Range 73 West, Sixth Principal Meridian, Colorado, were accepted on June 15, 2023.

The plat and field notes of the dependent resurvey in Township 10 North, Range 72 West, Sixth Principal Meridian, Colorado, were accepted on July 7, 2023.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed

until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. Chap. 3)

David W. Ginther,
Chief Cadastral Surveyor.

[FR Doc. 2023-15859 Filed 7-26-23; 8:45 am]

BILLING CODE 4331-16-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1367]

Certain Electronic Devices and Semiconductor Devices Having Wireless Communication Capabilities and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 21, 2023, under section 337 of the Tariff Act of 1930, as amended, on behalf of Bell Northern Research, LLC of Chicago, Illinois. Supplements were filed on July 3 and 11, 2023. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices and semiconductor devices having wireless communication capabilities and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,564,914 (“the ‘914 patent”); U.S. Patent No. RE 48,629 (“the ‘629 patent”); and U.S. Patent No. 8,416,862 (“the ‘862 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained

therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2023).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 21, 2023, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 13, 14, 17, 21, and 22 of the ‘914 patent; claims 1, 8–11, 13, 14, 19, 20, and 27 of the ‘629 patent; and claims 1–4 and 9–12 of the ‘862 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “semiconductor devices, and specifically undiced wafers, diced wafers, packaged chips and chipsets both attached and unattached to printed circuit boards and modules; personal and tablet computers; and routers, gateways, and networking devices having wireless communication capabilities, and components thereof”;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Bell Northern Research, LLC, 401 North Michigan Avenue, Chicago, Illinois 60611

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

NXP Semiconductors, N.V., 60 High Tech Campus, Eindhoven, Netherlands, 5656
NXP USA, Inc., 6501 William Cannon Drive West, Austin, TX 78735
Laird Connectivity, LLC, 50 Main Street, Akron, OH 44308
Qualcomm Technologies, Inc., 5775 Morehouse Drive, San Diego, CA 92121
MediaTek Inc., No. 1, Dusing 1st Road, Hsinchu Science Park, Hsinchu 30078, Taiwan
MediaTek USA Inc., 2840 Junction Ave., San Jose, CA 95134
ASUSTek Computer Inc., No. 15, Li-Te Rd., Beitou Dist., Taipei 112, Taiwan
ASUS Computer International, 48720 Kato Rd., Fremont, CA 94538

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for

submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 21, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-15891 Filed 7-26-23; 8:45 am]

BILLING CODE 7020-02-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-38415; NRC-2023-0090]

Rare Element Resources, Inc.; Rare Earth Element Demonstration Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a Finding of No Significant Impact (FONSI) and accompanying Environmental Assessment (EA) for an application request from Rare Element Resources, Inc. (RER) for a source materials license accompanying the construction and operation of a rare earth element (REE) separation and processing demonstration plant near Upton, Wyoming. Based on the analysis in the EA, the NRC staff has concluded that there would be no significant impacts to environmental resources from RER's proposed facility and, therefore, a FONSI is appropriate.

DATES: The EA and FONSI referenced in this document are available on July 27, 2023.

ADDRESSES: Please refer to Docket ID NRC-2023-0090 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 <http://www.regulations.gov> and search for Docket ID NRC-2023-0090. Address questions about Docket IDs to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Park, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6954; email: James.Park@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated September 13, 2022, RER applied for a source material license from the NRC for RER's proposed REE separation and processing demonstration plant to be located near Upton, Wyoming. In the Demonstration Plant, RER proposes to use its proprietary process to extract and concentrate neodymium-praseodymium (NdPr) and other rare earth oxides (REOs) from an approximately 907 metric-ton (1,000-ton) exploration sample obtained from RER's Bear Lodge site in the Black Hills National Forest in Wyoming. During processing, thorium in the exploration sample would be concentrated to a level necessitating a source material license from the NRC in accordance with the provisions of part 40 of title 10 of the *Code of Federal*

Regulations (10 CFR), “Domestic Licensing of Source Material”. As required by 10 CFR 51.21, the NRC prepared an EA that documents the NRC staff’s independent evaluation of the potential environmental impacts of RER’s activities at its proposed Upton, Wyoming facility. Based on the analysis in the EA, the NRC staff has concluded that there would be no significant impacts to environmental resources from RER’s proposed activities and, therefore, a FONSI is appropriate.

II. Summary of Environmental Assessment

Description of the Proposed Action

RER proposes to locate its proposed Demonstration Plant on an approximately 3.2-hectare (ha) (8-acre [ac]) parcel of privately owned land, approximately 3.2 kilometers (km) [2 miles (mi)] northwest of Upton, Wyoming. RER proposes to modify the existing site and site structures for its purposes in demonstrating its proprietary process for extracting NdPr and REOs from an approximately 907 metric-ton (1,000-ton) exploration sample removed previously from the Bear Lodge project site in northeastern Wyoming. RER proposes to operate its Demonstration Plant for 1 year, processing the exploration sample at a rate of 2.7 metric tons (3 tons) a day.

Facilities planned by RER to be located inside the proposed site’s radiological restricted area would include a Physical Upgrade/Sample Storage Facility, a Main Process Facility, an Equipment Building, a Chemical Containment Area, and a Clean Room as well as loading and unloading areas. Ancillary facilities outside the radiological restricted area would include the office trailer, a laydown yard, access roads, and a parking area for employees and visitors.

RER’s process to extract NdPr and other REOs would involve four stages. First, RER would use a jaw crusher, a cone crusher, and coarse vibrating screen units to comminute (*i.e.*, pulverize) and screen the sample to physically separate the rare-earth fines for further processing. Next, RER would conduct its primary hydrometallurgical processing of the pulverized sample to produce a purified total REO with thorium concentrate. This stage is intended to separate a substantial portion of the natural radioactivity that is present in the exploration sample. The third stage would remove this natural radioactivity, mainly thorium and its decay products, along with cerium. The thorium/cerium-bearing radioactive waste would be treated in a

separate solid waste treatment process. In the final processing stage, RER would separate out and purify NdPr and other REE concentrates into a final product.

RER’s process would produce solid waste and wastewater streams. Both waste streams would be neutralized with quicklime and then combined in a batched process. RER would add bentonite as needed to absorb excess liquid in the combined tailings waste. RER expects that nearly 100 percent of the radioactive material from the processed ore sample would be contained in the tailings waste. RER would transfer the tailings waste to a 27-metric ton (30-ton) roll-off bin and store the waste onsite prior to planned weekly waste shipments by rail to the Waste Control Specialists (WCS) low-level radioactive waste disposal facility located in Andrews County, Texas.

Construction and operation of the proposed Demonstration Plant would also generate non-radiological wastes, to include both industrial and chemical wastes. RER would dispose of non-radioactive organic process-related waste at a local hydrocarbon treatment facility. Any laboratory chemicals that would be generated would be stored in containers in the onsite laboratory, prior to off-site disposal at an appropriate facility. Non-hazardous industrial waste would be disposed at the Weston County, Wyoming transfer facility. Additionally, RER would consider recycling certain non-radioactive wastes (*e.g.*, used oil and lubricants, packing wastes, and scrap metal) for re-use, if possible.

Need for the Proposed Action

REEs include the lanthanide series of elements from lanthanum (atomic number 57) to lutetium (atomic number 71) along with yttrium (atomic number 39) and scandium (atomic number 21). REEs are essential elements in many applications in today’s economy, including electric automobiles, smart phones, camera lenses, advanced wind turbines, computer hard drives, fluorescent and light-emitting-diode bulbs, magnets, additives in ceramics and glass, and military systems.

Several U.S. governmental agencies have identified the growing need and reliance in the United States for REEs. The Department of Energy has identified the REEs as strategic resources for economic prosperity and national defense of the United States. The U.S. Department of the Interior published an updated final list of critical minerals that includes many of the REEs, and the U.S. Department of Defense has identified REEs as critical to future defense applications.

Environmental Impacts of the Proposed Action

The NRC staff has assessed the potential environmental impacts from RER’s proposed Demonstration Plant at the Upton, Wyoming site. The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management. The NRC staff determined that impacts to these environmental resource areas would be minimal and not significant. With respect to ecological resources, the NRC staff determined that the proposed action would have no effect on listed endangered or threatened species or their critical habitat. The NRC staff also determined that no historical properties would be affected by the undertaking (*i.e.*, RER’s proposed action).

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). Under the no-action alternative, the NRC would not grant a source material license to RER. RER would not be authorized to either construct or operate its Demonstration Plant near Upton, Wyoming. No ground-disturbing activities would take place and no buildings would be constructed or modified. Processing of REEs would need to occur elsewhere. The NRC staff concluded that environmental impacts from the no-action alternative would be minimal and not significant.

Agencies and Persons Consulted

On May 25, 2023, the staff provided a copy of the draft EA to the Wyoming Department of Environmental Quality (WDEQ) for its review and comment. On June 26, 2023, the State provided its comments on the draft document.

III. Finding of No Significant Impact

Based on its review of the proposed action, in accordance with 10 CFR part 51, the NRC staff has determined that issuance of a source material license to RER, and subsequent construction and operation of an REE Demonstration Plant at the proposed facility site near Upton, Wyoming, would not significantly affect the quality of the human environment. Approval of the proposed action would be expected to result in minimal impacts and RER’s operational activities would be

conducted to keep occupational radiological doses and radiological doses to members of the public below the applicable limits in 10 CFR part 20. On the basis of the EA, the NRC finds that there are no significant environmental impacts from the

proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), this FONSI incorporates the EA set forth in this notice by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Rare Element Resources, Inc., Source Material License Application, dated September 13, 2022	ML22256A319 (Package).
Rare Element Resources, Inc., Submittal of Supplemental Information for its Source Material License Application, dated December 1, 2022.	ML22333B028.
Rare Element Resources, Inc., Response to NRC Request for Additional Environmental Information, dated March 21, 2023.	ML23082A306.
Rare Element Resources, Inc., Response to NRC Request for Additional Information—Safety Evaluation, dated April 7, 2023.	ML23097A072.
NRC Request to Wyoming Department of Environmental Quality to Review the Draft EA, dated May 25, 2023.	ML23171B109.
Wyoming Department of Environmental Quality Response to NRC Request for Review of Draft EA, dated June 26, 2023.	ML23178A214.
NRC letters to Tribal nations initiating consultation under Section 106 of the National Historic Preservation Act, dated May 11, 2023.	ML23130A320 (Package).

Dated: July 24, 2023.

For the Nuclear Regulatory Commission.

Jill S. Caverly,

Acting Chief, Environmental Review Materials Branch, Division of Rulemaking, Environmental and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2023-15935 Filed 7-26-23; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023-190 and CP2023-194; MC2023-191 and CP2023-195; MC2023-192 and CP2023-196; MC2023-193 and CP2023-197]

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:* July 31, 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
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s)

in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* MC2023-190 and CP2023-194; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 5 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 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:* July 31, 2023.

2. *Docket No(s):* MC2023-191 and CP2023-195; *Filing Title:* USPS Request to Add Priority Mail, First-Class Package Service & Parcel Select Contract 36 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 21, 2023; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* July 31, 2023.

3. *Docket No(s):* MC2023-192 and CP2023-196; *Filing Title:* USPS Request to Add Priority Mail, First-Class Package Service & Parcel Select Contract 37 to

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).

Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 21, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: July 31, 2023.

4. *Docket No(s)*: MC2023–193 and CP2023–197; *Filing Title*: USPS Request to Add First-Class Package Service & Parcel Select Contract 6 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 21, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Christopher C. Mohr; *Comments Due*: July 31, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2023–15946 Filed 7–26–23; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail, First-Class Package Service & Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice*: July 27, 2023.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 21, 2023, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail, First-Class Package Service & Parcel Select Contract 36 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2023–191, CP2023–195.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2023–15871 Filed 7–26–23; 8:45 am]
BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—First-Class Package Service & Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice*: July 27, 2023.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 21, 2023, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service & Parcel Select Service Contract 6 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2023–193, CP2022–197.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2023–15870 Filed 7–26–23; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail, First-Class Package Service & Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice*: July 27, 2023.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 19, 2023, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail, First-Class Package Service & Parcel Select Contract 35 to Competitive Product List*. Documents are available at

www.prc.gov, Docket Nos. MC2023–189, CP2023–193.

Sean C. Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2023–15869 Filed 7–26–23; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice*: July 27, 2023.

FOR FURTHER INFORMATION CONTACT:
Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 21, 2023, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 5 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2023–190, CP2023–194.

Sean Robinson,
Attorney, Corporate and Postal Business Law.
[FR Doc. 2023–15872 Filed 7–26–23; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail, First-Class Package Service & Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice*: July 27, 2023.

FOR FURTHER INFORMATION CONTACT:
Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on July 21, 2023, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail, First-Class Package Service & Parcel Select Contract 37 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2023–192, CP2023–196.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2023–15867 Filed 7–26–23; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–97959; File No. SR–BOX–2023–19]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule for Trading on the BOX Options Market LLC Facility To Change How Certain Complex Orders Are Assessed Within the Fee Structure

July 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 July 18, 2023, BOX Exchange LLC (“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 Exchange. The Exchange filed the proposed rule change pursuant to section 19(b)(3)(A)(ii) of the Act,³ and Rule 19b–4(f)(2) 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend the Fee Schedule for trading on the BOX Options Market LLC (“BOX”) options facility to change how certain Complex Orders are assessed within the fee structure, specifically each leg of a Complex Orders that

executes against the BOX Book⁵ instead of the Complex Order Book.⁶ 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 <http://boxexchange.com>.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX to change how certain Complex Orders are assessed within the fee structure, specifically each leg of a Complex Orders that executes against the BOX Book⁷ instead of the Complex Order Book.⁸

While a Participant may enter a Complex Order with the intent of that Order executing against another Complex Order on the Complex Order Book, the BOX Trading System allows single legs within the Complex Order to execute against orders on the BOX Book.⁹ Currently, each leg of a Complex Order executed against the BOX Book is treated as a Complex Order for purposes of the Fee Schedule and subject to the fees detailed in Section VI (Complex Order Transaction Fees). The Exchange now proposes to amend Section VI.B (Orders on BOX Book Executed Against Complex Orders) of the BOX Fee

Schedule to include language stating that each leg of a Complex Order executed against the BOX Book will be treated as a standard order for purposes of the Fee Schedule and now be subject to Section IV (Electronic Transaction Fees). Specifically, the Exchange proposes to amend Section VI.B as follows:

Each order on the BOX Book executed against a Complex Order and each leg of a Complex Order executed against the BOX Book will be treated as a standard order for purposes of the Fee Schedule and subject to Section IV.A (Electronic Transaction Fees for Non-Auction Transactions).

The Exchange believes the proposed change is reasonable because the Exchange’s fee structures for electronic non-auction transactions and Complex Orders are designed to independently attract liquidity and to reward Participants for their order flow. Specifically, when a Complex Order interacts with the BOX Book, the orders in the BOX Book are assessed electronic transaction fees for non-auction transactions.¹⁰ In contrast, the legs of the Complex Order involved in the same transaction are assessed fees from a different section of the BOX Fee Schedule, which may be confusing to Participants.¹¹ As such, the Exchange proposes to assess each leg of a Complex Order that trades against the BOX Book the electronic transaction fees for non-auction transactions detailed in Section IV.A of the BOX Fee Schedule. The Exchange believes that assessing each leg of a Complex Order according to the fee structure applicable to electronic non-auction transactions (which may increase or decrease fees or result in BOX providing no rebate or a smaller rebate), is reasonable because such orders may benefit from the liquidity on the BOX Book in addition to the liquidity on the Complex Order Book. The Exchange believes further that the proposed changes are reasonable because they add clarity to the Fee Schedule by expressly providing which fees will be assessed to the legs of a Complex Order when the legs of a Complex Order interact with the BOX Book.

The Exchange notes that Complex Orders from Public Customers are assessed no fee or provided a rebate of \$0.50 depending on the contra party and whether the order is making or taking liquidity in Penny Interval Classes and are assessed no fee or provided a rebate

⁵ The term “Central Order Book” or “BOX Book” means the electronic book of orders on each single option series maintained by the BOX Trading Host. See BOX Rule 100(a)(10).

⁶ The term “Complex Order Book” means the electronic book of Complex Orders maintained by the BOX Trading Host. See BOX Rule 7240(a)(8).

⁷ The term “Central Order Book” or “BOX Book” means the electronic book of orders on each single option series maintained by the BOX Trading Host. See BOX Rule 100(a)(10).

⁸ The term “Complex Order Book” means the electronic book of Complex Orders maintained by the BOX Trading Host. See BOX Rule 7240(a)(8).

⁹ See BOX Rule 7240.

¹⁰ See BOX Fee Schedule Section VI.B.

¹¹ Although this is not specified expressly in the Fee Schedule, the legs of Complex Orders trading against the BOX Book are currently assessed Complex Order transaction fees in BOX Fee Schedule Section VI.A.

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 17 CFR 240.19b–4(f)(2).

of \$0.90 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval Classes. Electronic transaction fees in non-auction transactions for Public Customers are currently assessed no fee or provided a rebate of \$0.20 depending on the contra party and whether the order is making or taking liquidity in Penny Interval Classes, are assessed no fee or provided a rebate of \$0.50 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval Classes, and are assessed no fee or rebate for transactions in SPY. Complex Order SPY transactions are assessed the fee or provided the rebate for Penny Interval Classes as SPY is a Penny Interval Class. Therefore, the proposal will result in no fee assessment or BOX providing a smaller rebate for the legs of Public Customer Complex Orders that trade against the BOX Book.

Similarly, Complex Orders from Professional Customers and Broker Dealers are currently provided a rebate of \$0.30 or assessed a fee of \$0.50 depending on the contra party and whether the order is making or taking liquidity in Penny Interval Classes and are provided a rebate of \$0.30 or assessed a fee between \$0.98 and \$1.00 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval Classes. Electronic transaction fees in non-auction transactions for Professional Customers and Broker Dealers are currently assessed a fee between \$0.15 and \$0.60 depending on the contra party and whether the order is making or taking liquidity in Penny Interval Classes, are assessed a fee between \$0.15 and \$0.95 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval Classes, and are assessed a fee between \$0.15 and \$0.60 depending on the contra party and whether the order is making or taking liquidity for transactions in SPY. Complex Order SPY transactions are assessed the fee or provided the rebate for Penny Interval Classes as SPY is a Penny Interval Class. Therefore, the proposal may increase or decrease fees or result in BOX providing no rebate for the legs of Professional Customer and Broker Dealer Complex Orders that trade against the BOX Book depending on the contra party and whether the class traded is a Penny Interval Class, a Non-Penny Interval Class, or SPY.

Lastly, Complex Orders from Market Makers are currently provided a rebate of \$0.30 or assessed a fee of \$0.50 depending on the contra party and whether the order is making or taking

liquidity in Penny Interval Classes and are provided a rebate of \$0.30 or a fee between \$0.98 and \$1.00 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval classes. Electronic transaction fees in non-auction transactions for Market Makers are currently assessed a fee between \$0.00 and \$0.50 depending on the contra party and whether the order is making or taking liquidity in Penny Interval Classes, are assessed a fee between \$0.00 and \$0.95 depending on the contra party and whether the order is making or taking liquidity in Non-Penny Interval Classes, and are assessed a fee between \$0.00 and \$0.50 depending on the contra party and whether the order is making or taking liquidity for transactions in SPY. Complex Order SPY transactions are assessed the fee or provided the rebate for Penny Interval Classes as SPY is a Penny Interval Class. Therefore, the proposal may increase or decrease fees or result in BOX providing no rebate for the legs of Market Maker Complex Orders that trade against the BOX Book depending on the contra party and whether the class traded is a Penny Interval Class, a Non-Penny Interval Class, or SPY.

The Exchange believes that the proposed change discussed above will allow both sides of a transaction executed on BOX to be assessed consistently and will add clarity by expressly providing how fees will be assessed for each leg of a Complex Order executed against the BOX Book.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of section 6(b) of the Act, in general, and section 6(b)(4) and 6(b)(5) of the Act,¹² in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed change is reasonable because the Exchange's fee structures for both electronic non-auction transactions and Complex Orders are designed to independently attract liquidity and to reward Participants for their order flow. Specifically, when a Complex Order interacts with the BOX Book, the orders in the BOX Book are assessed electronic transaction fees for non-auction transactions.¹³ In contrast, the legs of the Complex Order involved in the same

transaction are assessed fees from a different section of the BOX Fee Schedule, which may be confusing to Participants.¹⁴ As such, the Exchange proposes to assess each leg of a Complex Order traded against the BOX Book the electronic transaction fees for non-auction transactions in Section IV.A of the BOX Fee Schedule. The Exchange believes it is reasonable to assess the same fees for the legs of Complex Orders as single-leg orders because the legs of Complex Orders executed against the BOX Book are executed as if they were single-leg orders.¹⁵ The Exchange believes that the proposed change will allow both sides of a transaction executed on BOX to be assessed consistently, and will add clarity by expressly providing how fees will be assessed for each leg of a Complex Order executed against the BOX Book.

Further, the Exchange believes that to the extent the legs of Complex Orders are assessed lower or higher fees or provided a smaller rebate or no rebate, this proposal is reasonable because such orders may benefit from the liquidity on the BOX Book in addition to the liquidity on the Complex Order Book. The Exchange notes that Complex Orders may receive executions for each leg of a Complex Order against the BOX Book when the Complex Order would not otherwise have received an execution in the Complex Order Book. The Exchange notes further that another exchange assesses fees similarly to the proposal.¹⁶ The Exchange believes that, although some transactions will be assessed lower or higher fees or provided a smaller rebate or no rebate under the proposal, the Complex Order fee structure is still designed to attract order flow and will allow BOX to remain a competitive venue for Complex Order flow. The Exchange

¹⁴ Although this is not specified expressly in the Fee Schedule, the legs of Complex Orders trading against the BOX Book are currently assessed Complex Order transaction fees in BOX Fee Schedule Section VI.A.

¹⁵ The Exchange notes that Complex Orders will be automatically executed against bids and offers on the BOX Book for the individual legs of the Complex Order to the extent that the Complex Order can be executed in full or in a permissible ratio by such bids and offers. See BOX Rule 7240(b)(3)(ii).

¹⁶ See Cboe EDGX Exchange, Inc. ("Cboe EDGX") Options Fee Schedule (providing that standard fee codes are applicable to Complex Orders that leg into the Simple Book). The Simple Book on Cboe EDGX is the regular electronic book of orders. There is an exception for fee code ZD which corresponds to: "Complex order legs into Simple Book, Customer" and a fee of "FREE." The Exchange notes that, although such Customer Complex Orders are free, the standard Cboe EDGX rates would provide a credit. The Exchange believes that the Cboe EDGX fee structure for Complex Orders that leg into the Simple Book uses different rates but is similar in operation to the proposal.

¹² 15 U.S.C. 78f(b)(4) and (5).

¹³ See BOX Fee Schedule Section VI.B.

believes further that the proposed changes are reasonable because they add clarity to the Fee Schedule by expressly providing which fees will be assessed to the legs of a Complex Order when the legs of a Complex Order interact with the BOX Book.

The Exchange notes another mechanism in the BOX Fee Schedule where both sides of a transaction are assessed fees, in a consistent manner, from the same section of the Fee Schedule. In Section IV.B of the BOX Fee Schedule for PIP and COPIP transactions, each PIP Order or COPIP Order that executes against an Unrelated Order on the BOX Book shall be treated as a non-auction transaction.¹⁷ Specifically, both sides of the same transaction where one is an Unrelated Order entered into the BOX market during a PIP and the other is a PIP Order, are assessed fees from the same section of the BOX Fee Schedule—Section IV.A (Electronic Transaction Fees for Non-Auction Transactions). The Exchange believes that this structure provides clarity to the Fee Schedule and reduces Participant confusion about how these executions are treated.

The Exchange notes that the BOX Fee Schedule, including Section VI (Complex Order Transaction Fees), assesses fees and credits according to the account type of the Participant originating the order and the contra party.¹⁸ The result of this structure is that a Participant does not know the fee it will be charged when submitting certain orders. The Exchange believes that this uncertainty is reasonable because each section of the BOX Fee Schedule is designed to independently attract order flow and to compete with exchanges that have similar fee structures.¹⁹ Similarly, the proposed change contains some uncertainty about which fees will be assessed because Participants may not know ahead of time whether their Complex Order will

interact with the Complex Order Book or the BOX Book. As a result, Participants must recognize when submitting a Complex Order to BOX that they could be assessed a range of fees or rebates and must expect the highest applicable fee or lowest applicable rebate such that fees (rebates) may be lower (higher) than their expectations. The Exchange notes that under the proposal, Public Customer Complex Orders will not pay a fee regardless of whether the Complex Order executes in the Complex Order Book or the BOX Book, however, such orders will receive a smaller rebate or no rebate if the legs of the Complex Order execute against the BOX Book. Further, the Exchange believes the proposed changes are equitable and not unfairly discriminatory as the proposed fee structure will apply uniformly to all Participants.

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.

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal, to the extent it increases or decreases fees or provides smaller rebates or no rebates, remains competitive with other options markets. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges. Because competitors are free to modify their own fees and rebates in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. The Exchange notes that another exchange has a similar fee structure.²⁰

The proposed changes do not impose an undue burden on intra-market competition because the Exchange does not believe that the proposal will place any category of market participant at a competitive disadvantage. Specifically, the Exchange believes that applying Section IV.A (Electronic Transaction

Fees for Non-Auction Transactions) to the legs of Public Customer Complex Orders that trade against the BOX Book does not impose an undue burden on intra-market competition because the fee structure contained in Section IV.A is designed to attract Public Customer order flow which increases the number of executions on the Exchange, thus benefiting all market participants. The Exchange notes that, as discussed above, although the Public Customer rebates in Section IV.A are smaller than Public Customer rebates in Section VI (Complex Order Transaction Fees), Public Customers benefit from the additional liquidity available on the BOX Book.

Lastly, the Exchange believes that the proposed changes will provide all Participants with consistency and clarity regarding how Complex Order fees are assessed on BOX. The Exchange notes that all Participants sending a Complex Order to BOX that interacts with the BOX Book will be subject to fees and rebates already in place on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Exchange Act²¹ and Rule 19b-4(f)(2) thereunder,²² because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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.

¹⁷ For the PIP, an Unrelated Order is a non-Improvement Order entered into the BOX market during a PIP. For the COPIP, an Unrelated Order is a non-Improvement Order entered on BOX during a COPIP or BOX Book Interest during a COPIP.

¹⁸ See BOX Fee Schedule Sections IV.A (Electronic Non-Auction Transactions) and VI.A (Complex Order Transaction Fees).

¹⁹ See Nasdaq ISE, LLC ("Nasdaq ISE") Options 7 Section 4 (Complex Order Fees and Rebates) and MIAx Emerald, LLC Options Exchange Fee Schedule (Transaction Fees). The Exchange notes that Nasdaq ISE assesses fees based on market participant, whether the market participant is trading against a Priority Customer, maker/taker, and whether the symbol is a Select or non-Select Symbol, whereas BOX varies fees based on account type, contra party, maker/taker, and whether the class is a Penny Interval Class or a Non-Penny Interval Class.

²⁰ See *supra* note 16.

²¹ 15 U.S.C. 78s(b)(3)(A)(ii).

²² 17 CFR 240.19b-4(f)(2).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-BOX-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-BOX-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 (<https://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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BOX-2023-19 and should be submitted on or before August 17, 2023.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2023-15861 Filed 7-26-23; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18028 and #18029; NEW YORK Disaster Number NY-00221]

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-4723-DR), dated 07/22/2023.

Incident: Severe Storms and Flooding.

Incident Period: 07/09/2023 through 07/10/2023.

DATES: Issued on 07/22/2023.

Physical Loan Application Deadline Date: 09/20/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 04/22/2024.

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 Recovery & Resilience, 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 07/22/2023, 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: Clinton, Dutchess, Essex, Hamilton, Ontario, Orange, Putnam, Rockland

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations without Credit Available Elsewhere	2.375
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere	2.375

The number assigned to this disaster for physical damage is 18028 6 and for economic injury is 18029 0.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2023-15922 Filed 7-26-23; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17842 and #17843; CALIFORNIA Disaster Number CA-00376]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 9.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA-4699-DR), dated 04/03/2023.

Incident: Severe Winter Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

Incident Period: 02/21/2023 through 07/10/2023.

DATES: Issued on 07/20/2023.

Physical Loan Application Deadline Date: 09/01/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 01/03/2024.

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 Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 04/03/2023, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 09/01/2023.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Francisco Sánchez, Jr.,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2023-15903 Filed 7-26-23; 8:45 am]

BILLING CODE 8026-09-P

²³ 17 CFR 200.30-3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18026 and #18027;
VERMONT Disaster Number VT-00047]

Presidential Declaration of a Major
Disaster for Public Assistance Only for
the State of Vermont

AGENCY: 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-4720-DR),
dated 07/14/2023.

Incident: Severe Storms, Flooding,
Landslides, and Mudslides.
Incident Period: 07/07/2023 and
continuing.

DATES: Issued on 07/14/2023.
Physical Loan Application Deadline
Date: 09/12/2023.
Economic Injury (EIDL) Loan
Application Deadline Date: 04/15/2024.

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 Recovery &
Resilience, 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
07/14/2023, 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: Bennington, Orange,
Washington

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations with- out Credit Available Else- where	2.375
For Economic Injury:	
Non-Profit Organizations with- out Credit Available Else- where	2.375

The number assigned to this disaster
for physical damage is 18026 6 and for
economic injury is 18027 0.

(Catalog of Federal Domestic Assistance
Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster
Recovery & Resilience.

[FR Doc. 2023-15925 Filed 7-26-23; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18016 and #18017;
VERMONT Disaster Number VT-00046]

Presidential Declaration of a Major
Disaster for the State of Vermont

AGENCY: Small Business Administration.
ACTION: Amendment 2.

SUMMARY: This is an amendment of the
Presidential declaration of a major
disaster for the State of Vermont
(FEMA-4720-DR), dated 07/21/2023.

Incident: Severe Storms, Flooding,
Landslides, and Mudslides.
Incident Period: 07/07/2023 and
continuing.

DATES: Issued on 07/21/2023.
Physical Loan Application Deadline
Date: 09/12/2023.

Economic Injury (EIDL) Loan
Application Deadline Date: 04/15/2024.

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 Recovery &
Resilience, U.S. Small Business
Administration, 409 3rd Street SW,
Suite 6050, Washington, DC 20416,
(202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice
of the President's major disaster
declaration for the State of Vermont,
dated 07/14/2023, is hereby amended to
expand the disaster incident to include
landslides and mudslides.

All other information in the original
declaration remains unchanged.

(Catalog of Federal Domestic Assistance
Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster
Recovery & Resilience.

[FR Doc. 2023-15926 Filed 7-26-23; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18016 and #18017;
VERMONT Disaster Number VT-00046]

Presidential Declaration Amendment of
a Major Disaster for the State of
Vermont

AGENCY: Small Business Administration.
ACTION: Amendment 1.

SUMMARY: This is an amendment of the
Presidential declaration of a major
disaster for the State of Vermont
(FEMA-4720-DR), dated 07/14/2023.
Incident: Severe Storms and Flooding.
Incident Period: 07/07/2023 and
continuing.

DATES: Issued on 07/21/2023.
Physical Loan Application Deadline
Date: 09/12/2023.
Economic Injury (EIDL) Loan
Application Deadline Date: 04/15/2024.

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 Recovery &
Resilience, U.S. Small Business
Administration, 409 3rd Street SW,
Suite 6050, Washington, DC 20416,
(202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice
of the President's major disaster
declaration for the State of Vermont,
dated 07/14/2023, is hereby amended to
include the following areas as adversely
affected by the disaster:

Primary Counties (Physical Damage and
Economic Injury Loans): Caledonia,
Orange
Contiguous Counties (Economic Injury
Loans Only):
Vermont: Essex

All other information in the original
declaration remains unchanged.

(Catalog of Federal Domestic Assistance
Number 59008)

Francisco Sánchez, Jr.,
Associate Administrator, Office of Disaster
Recovery & Resilience.

[FR Doc. 2023-15901 Filed 7-26-23; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Final Federal Agency Action
on Proposed Rail Transportation
Project

AGENCY: Federal Railroad
Administration (FRA), Department of
Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental action taken by the Federal Railroad Administration (FRA) for the Cajon Pass High-Speed Rail Project. The purpose of this notice is to advise the public of the time limit to file any claims that may challenge this decision and other Federal permits, licenses, and approvals for the project.

DATES: A claim seeking judicial review of Federal agency actions for the listed rail transportation project will be barred unless the claim is filed on or before July 28, 2025. If the Federal law that authorizes judicial review of a claim provides a time period of less than two years for filing such claim, then the shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For further information related to this notice, please contact Kathryn Johnson, Attorney-Adviser, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone: (202) 731-0658, email: kathryn.johnson@dot.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FRA has taken final agency action by issuing certain approvals for the rail transportation project listed below. The action on the project, as well as the laws under which such action was taken, are described in the documentation issued for the project to comply with the National Environmental Policy Act (NEPA) and related environmental laws.

This notice applies to all Federal agency decisions on the project as of the issuance date of this notice and all Federal laws under which such actions were taken, including but not limited to, NEPA (42 U.S.C. 4321–4375); Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303); Section 106 of the National Historic Preservation Act (54 U.S.C. 306108); the Clean Air Act (42 U.S.C. 7401–7671q); the Endangered Species Act (16 U.S.C. 1531–1544); the Clean Water Act (33 U.S.C. 1251) and relevant Executive Orders including, E.O. 11990 Protection of Wetlands, E.O. 11988 Floodplain Management, E.O. 13112 Invasive Species, E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and E.O. 13175 Consultation and Coordination with Indian Tribal Governments. The project that is the subject of this notice follows: *Project name and location:* Cajon Pass High-Speed Rail Project, Victor Valley to Rancho Cucamonga, California. *Project Sponsor:* Brightline West. *Project Summary:* The project sponsor proposes to construct and

operate a 49-mile train system capable of reaching a top speed of approximately 140 miles per hour between Victor Valley and Rancho Cucamonga, California. The Project includes two new railway stations—one in Hesperia, and one in Rancho Cucamonga. The connecting station in Victor Valley was approved as part of a separate project that was evaluated in the DesertXpress Final Environmental Impact Statement issued by FRA in 2011.

FRA issued an environmental assessment for the Cajon Pass High-Speed Rail Project on October 26, 2022 and a Finding of No Significant Impact on July 12, 2023.

Authority: 49 U.S.C. 24201(a)(4) and 23 U.S.C. 139(j)(1).

Marlys Ann Osterhues,

Director, Office of Environmental Program Management.

[FR Doc. 2023–15864 Filed 7–26–23; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Actions**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The 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 July 24, 2023, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. BAGAYOKO, Adama, Mali; DOB 14 Sep 1979; POB Bamako, Mali; nationality Mali; citizen Mali; Gender Male; Passport AA0262268 (Mali) (individual) [RUSSIA–EO14024] (Linked To: PRIVATE MILITARY COMPANY 'WAGNER').

Designated pursuant to section 1(a)(vi) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021) (E.O. 14024) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Private Military Company 'WAGNER' (Wagner) a person whose property and interests in property are blocked pursuant to E.O. 14024.

2. CAMARA, Sadio, Bamako, Mali; Malibougou, Kati, Koulikoro, Mali; DOB 22 Mar 1979; POB Kati, Koulikoro, Mali; nationality Mali; citizen Mali; alt. citizen France; Gender Male; Passport DA0004031 (Mali) expires 15 Oct 2015 (individual) [RUSSIA–EO14024] (Linked To: PRIVATE MILITARY COMPANY 'WAGNER').

Designated pursuant to section 1(a)(vi) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Wagner, a person whose property and interests in property are blocked pursuant to E.O. 14024.

3. DIARRA, Alou Boi, Bamako, Mali; DOB 01 Sep 1981; POB Kati Koulikoro, Mali; nationality Mali; citizen Mali; Gender Male; Passport DA0004002 (Mali) (individual) [RUSSIA–EO14024] (Linked To: PRIVATE MILITARY COMPANY 'WAGNER').

Designated pursuant to section 1(a)(vi) of E.O. 14024 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Wagner, a person whose property and interests in property are blocked pursuant to E.O. 14024.

Dated: July 24, 2023.

Bradley T. Smith,

Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2023–15975 Filed 7–26–23; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY**Agency Information Collection Activities; Proposed Collection; Comment Request; Transaction Level Report for the New Markets Tax Credit Program**

AGENCY: Departmental Offices, 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 take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Transaction Level Report (TLR) for the New Markets Tax Credit Program (NMTC Program).

DATES: Comments should be received on or before August 28, 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. 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:**Community Development Financial Institutions (CDFI)**

Title: NMTC Program Transaction Level Report.

OMB Number: 1559-0027.

Abstract: This collection captures quantitative transactional information from Community Development Entities (CDEs). CDEs that receive New Markets Tax Credit (NMTC) allocations must submit TLRs as part of their annual compliance reporting requirements. The current reporting requirements can be found in the allocation agreement templates located on the CDFI Fund website at <https://www.cdfifund.gov/>. The current version of the TLR guidance is available at <https://www.cdfifund.gov/amis-reporting> under Transaction Level

Report (TLR)—June 2022, Allocatee TLR Guidance Documents and Information.

This information is used to assess: (1) The Allocatee’s activities as detailed in its application materials; (2) the Allocatee’s approved use of the allocation; (3) the Allocatee’s financial condition; (4) the socio-economic characteristics of Allocatee’s borrowers/investees, loan and investment terms, repayment status, and community development outcomes; and (5) overall compliance with the terms and conditions of the allocation agreement entered into by the CDFI Fund and the Allocatee.

For the NMTC TLR, to address the Government Accountability Office (GAO) recommendations in its July 2014 report *GAO-14-500: New Markets Tax Credit, Better Controls and Data Are Needed to Ensure Effectiveness*, the following changes are proposed: (1) revised data points on fees and transaction costs to provide comprehensive reporting and alignment with the QALICB Fee Disclosure Form and Allocation Application; and (2) new data points for measuring the depth of public subsidy in NMTC transactions. The Fund is proposing additional changes to the NMTC TLR to address other concerns including, (3) data points (new and revised) on community outcome measures to better evaluate prior allocate performance during the competitive application process, align with the information collected in the Allocation Application and to permit recipients to better report quantitative outcome measures; and (4) new data points to better assess compliance with certain terms and conditions of the Allocation Agreement.

For fees and transaction costs, 12 out of 13 TLR data points have been revised to ensure that they are mutually exclusive and align with required QALICB disclosures and the Allocation Application. In addition, all data points will be reported as actual dollar amounts. Three TLR data points are proposed to be eliminated due to a lack of usage (Other Sources of Compensation and Profits Charged to Investors; Other Sources of Compensation and Profits Charged to Borrowers/Investees; Other Sources of Compensation and Profits Charged to Other Entities). The revised data points are:

- Total QEI Proceeds Retained by the CDE or CDE Affiliate;
- Upfront Fees to the CDE or CDE Affiliate;
- Upfront Fees to Investors or Investor Affiliates;
- Upfront Fees to Unaffiliated Third Parties;

- Upfront Transaction Costs;
- Ongoing Fees to the CDE or CDE Affiliate;
- Ongoing Fees Paid to Investors or Investor Affiliates;
- Ongoing Fees to Unaffiliated Third Parties;
- Ongoing Transaction Costs;
- Back-end Fees to CDE or CDE Affiliates;
- Back-end Fees to Investors or Investor Affiliates;
- Back-end Fees to Unaffiliated Third Parties; and
- Back-end Transaction Costs.

To better measure the depth of public subsidy, a new data point (Estimated Annual Net Operating Income) will be added to the NMTC Allocatee TLR, as well as revised TLR guidance for the existing data point on “Total Project Cost Public Sources”.

The proposed addition and changes to the outcome reporting in the NMTC Allocatee TLR affect the data points related to job creation and retention; quality of jobs; accessible jobs; type of business loans; financing of minority-owned or controlled businesses; commercial and community goods and services; and environmental outcomes. The changes include:

- Projected Full-Time Equivalent (FTE) Jobs to Be Created or Retained at Businesses Financed (new data point);
- Actual Full-Time Equivalent (FTE) Jobs Created or Retained at Businesses Financed (new data point);
- Job Quality Measures (new data point);
- Identify Accessible Jobs Measure (new data point);
- Number of Accessible Jobs (new data point);
- Type of Business Loan (new data point);
- Minority-Owned or Controlled Businesses (revised data point);
- Native American-Owned or Controlled Businesses (new data point);
- Number of People Served by Commercial Goods or Services (new data point);
- Number of People Served by Community Goods or Services (new data point);
- Number of Households Served by Infrastructure Services (new data point);
- Identify Environmental Restoration and/or Sustainability Outcome Measure (new data point); and
- Quantify Environmental Restoration and/or Sustainability Outcome (new data point).

In order to better assess compliance with certain terms and conditions of the Allocation Agreement when a QLICI is originated, the following five data points are proposed:

- Below Market Interest Rate at origination (new data point);
- Blended Interest Rate at origination (new data point);
- Comparable Blended Interest Rate at origination (new data point);
- What is Interest Rate Comparable at origination? (new data point); and
- Interest Rate Comparable at Origination—Other (new data point).

In addition, the CDFI Fund proposes to eliminate the following data points that are no longer relevant in assessing compliance given that they relate to data points after origination:

- Below Market Interest Rate the end of the reporting period.
- Blended Interest Rate the end of the reporting period.

- Comparable Blended Interest Rate the end of the reporting period.
- Below Market Interest Rates or Flexible Terms Required under Allocation Agreement.
- Below Market Interest Rate at the end of the reporting period.
- What is Interest Rate Comparable at the end of the reporting period?
- Interest Rate Comparable—Other.
- Interest Rate Financial Note Terms at the end of the reporting period.

More details on the changes described above can be found in the updated guidance document available on the CDFI Fund website at <https://www.cdfifund.gov/requests-for-comments>.

Type of Review: Revision of a recently approved collection request.

Affected Public: CDEs including businesses or other for-profit institutions, non-profit entities, and State, local and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents: NMTC Annual TLR and ILR: 210.

Estimated Annual Time (in hours) per Respondent:

NMTC Annual TLR and ILR: 81.33.

Estimated Total Annual Burden in Hours:

NMTC Annual TLR and ILR: 17,079.3.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2023–15937 Filed 7–26–23; 8:45 am]

BILLING CODE 4810–70–P



FEDERAL REGISTER

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Part II

Regulatory Information Service Center

Semiannual Regulatory Agenda

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2023

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: Publication of the Spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” (58 FR 51735, as amended) and reaffirmed in E.O. 13563, “Improving Regulation and Regulatory Review,” (76 FR 3821) and E.O. 14094, “Modernizing Regulatory Review,” (88 FR 21879). The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

The Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete publication of the Spring 2023 Unified Agenda containing the regulatory agendas for 67 Federal agencies is available to the public at www.reginfo.gov.

The Spring 2023 Unified Agenda publication appearing in the **Federal Register** includes agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MV), General Services Administration, 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further

information about this publication, contact: Boris Arratia, Director, Regulatory Information Service Center (MV), General Services Administration, 1800 F Street NW, Washington, DC 20405, 703-795-0816. You may also send comments to us by email at: RISC@gsa.gov.

SUPPLEMENTARY INFORMATION:

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Agency Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Environmental Protection Agency
General Services Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
National Labor Relations Board
Nuclear Regulatory Commission
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Surface Transportation Board

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Regulatory Flexibility Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Environmental Protection Agency
General Services Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Consumer Financial Protection Bureau
Consumer Product Safety Commission
Federal Communications Commission
Federal Reserve System
National Labor Relations Board
Nuclear Regulatory Commission
Securities and Exchange Commission
Surface Transportation Board

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at www.reginfo.gov. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database dating back to 1995. The complete online edition of the Unified Agenda includes regulatory agendas from 65 Federal agencies. Agencies of the United States Congress are not included.

The Spring 2023 Unified Agenda publication appearing in the **Federal**

Register consists of the regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency Regulatory Flexibility Agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete Unified Agenda information for those entries appears online in a uniform format at www.reginfo.gov.

The regulatory agendas for agencies not publishing Regulatory Flexibility Agendas are listed below and are available to the public at www.reginfo.gov.

Cabinet Departments

Department of Housing and Urban Development
Department of State
Department of Veterans Affairs

Other Executive Agencies

Agency for International Development
Architectural and Transportation Barriers Compliance Board
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Council on Environmental Quality
Court Services and Offender Supervision Agency for the District of Columbia
Federal Mediation Conciliation Service
Institute of Museum and Library Services
Inter-American Foundation
National Aeronautics and Space Administration
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
National Mediation Board
National Science Foundation
Office of Government Ethics
Office of the Intellectual Property Enforcement Coordinator
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Railroad Retirement Board
Selective Service System
Social Security Administration
U.S. Agency for Global Media

Independent Agencies

Commodity Futures Trading Commission
Farm Credit Administration

Farm Credit System Insurance Corporation
Federal Deposit Insurance Corporation
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Mine Safety and Health Review Commission
Federal Permitting Improvement Steering Council
Federal Trade Commission
National Credit Union Administration
National Indian Gaming Commission
National Transportation Safety Board
Postal Regulatory Commission
U.S. Chemical Safety and Hazard Investigation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866, as amended (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866, as amended, does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866, "Regulatory Planning and Review," September 30, 1993 (58 FR 51735), as amended, requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their "most important significant regulatory actions," which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 14094

Executive Order (E.O.) 14094, "Modernizing Regulatory Review," April 6, 2023 (88 FR 21879) sets forth specific actions for Federal agencies and OIRA designed to modernize the regulatory process in order to advance policies that promote the public interest and address national priorities. E.O. 14094, among other things, amends Section 3(f)(1) of E.O. 12866 (Regulatory Planning and Review) to increase the monetary threshold for significance under that provision, amends Section 3(f)(4) to clarify what is significant under that provision, and encourages greater public participation during all stages of the regulatory process.

Executive Order 13563

Executive Order 13563, "Improving Regulation and Regulatory Review," January 18, 2011 (76 FR 3821) supplements and reaffirms the principles, structures, and definitions

governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132, "Federalism," August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have "federalism implications" as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions "that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any 1 year." The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for "those matters identified as significant energy actions." As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a "major" rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is "major" if it has resulted, or is likely to result, in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency

agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies' agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified

Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on www.reginfo.gov to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation “Section 610 Review” following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the

online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant and Section 3(f)(1) Significant

On April 6, 2023, the President issued E.O. 14904 entitled “Modernizing Regulatory Review.” E.O. 14904 amends Section 3(f)(1) of E.O. 12866 to increase the monetary threshold for significance under this provision from \$100 million to \$200 million in annual effects and directs that it be adjusted for GDP growth every three years. Given that the Spring Agenda was in development prior to the issuance of E.O. 14904, the Agenda largely uses the previous nomenclature of “economically significant” to indicate rulemaking actions expected to have an annual effect on the economy of \$100 million or more, the threshold in E.O. 12866 prior to April 6, 2023. For rulemaking actions which were submitted for OIRA review after the issuance of the E.O. 14904 on April 6, 2023 and are expected to have an annual effect on the economy of \$200 million or more, the term “Section 3(f)(1) Significant” is used and will continue to be used in future unified agendas. The amended definition of “Section 3(f)(1) Significant” under Executive Order 12866 is a rulemaking action that will “have an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product); or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.”

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866, as amended, or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is “major” under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/19 means the agency is predicting the month and

year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is “To Be Determined.” “Next Action Undetermined” indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation’s international trading partners.

Federalism—whether the action has “federalism implications” as defined in Executive Order 13132. This term refers to actions “that 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.” Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency’s current regulatory plan published in the fall 2022.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the internet address of a site that provides more information about the entry.

Public Comment URL—the internet address of a site that will accept public comments on the entry.

Alternatively, timely public comments may be submitted at the

Governmentwide e-rulemaking site, www.regulations.gov.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency’s jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency

believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

E.O.—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding;

Legal Authority—A reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Pub. L.—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 112–4 is the fourth public law of the 112th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule

would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the

same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Unified Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Publishing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. Telephone: (202) 512-1800 or 1-866-

512-1800 (toll-free). Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information. All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at www.reginfo.gov, along with flexible search tools. The Government Publishing Office's *GPO GovInfo* website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at www.govinfo.gov.

Boris Arratia,

Director.

[FR Doc. 2023-14540 Filed 7-26-23; 8:45 am]

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FEDERAL REGISTER

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Thursday,
July 27, 2023

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE**Office of the Secretary****2 CFR Subtitle B, Ch. IV****5 CFR Ch. LXXIII****7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII****9 CFR Chs. I–III****36 CFR Ch. II****48 CFR Ch. 4****Semiannual Regulatory Agenda, Spring 2023****AGENCY:** Office of the Secretary, USDA.**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders

(E.O.) 12866, “Regulatory Planning and Review,” 13563, “Improving Regulation and Regulatory Review,” and 14094, “Modernizing Regulatory Review.” The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA’s complete regulatory agenda is available online at www.reginfo.gov.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA’s printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Mr. Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 769–8247.

Dated: April 11, 2023.

Michael Poe,
Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028)	0581–AE07
2	Organic Market Development for Mushrooms and Pet Food (AMS–NOP–22–0063)	0581–AE13

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
3	Dairy Donation Program (AMS–DA–21–0013)	0581–AE00
4	Preserving Trust Benefits Under the Packers and Stockyards Act (AMS–FTPP–21–0015)	0581–AE01
5	Transparency in Poultry Grower Contracting and Tournaments (AMS–FTPP–21–0044)	0581–AE03
6	Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS–FTPP–21–0045)	0581–AE05
7	Organic Livestock and Poultry Standards (AMS–NOP–21–0073)	0581–AE06

AGRICULTURAL MARKETING SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
8	Organic Aquaculture Standards	0581–AD34
9	Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008)	0581–AE02
10	Organic Apiculture Production Standards	0581–AE12

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
11	Strengthening Organic Enforcement (AMS–NOP–17–0065)	0581–AD09

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
12	Revision to Horse Protection Act Regulations	0579–AE70

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
13	AQI User Fees	0579–AE71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
14	Animal Disease Traceability; Electronic Identification	0579–AE64
15	Importation of Bovine Meat From Paraguay	0579–AE73

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
16	National List of Reportable Animal Diseases	0579–AE39
17	Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs.	0579–AE58

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
18	Establishing AWA Standards for Birds	0579–AE61

FOOD AND NUTRITION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
19	National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE11
20	Technical Changes for Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems	0584–AE37
21	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)	0584–AE61
22	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP).	0584–AE71
23	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions and Food Delivery Revisions to Meet the Needs of a Modern, Data-Driven Program.	0584–AE85

FOREST SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
24	Performance Bonding for Locatable Minerals	0596–AD58

DEPARTMENT OF AGRICULTURE (USDA)*Agricultural Marketing Service (AMS)*

Proposed Rule Stage

1. Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028) [0581–AE07]*Legal Authority:* 7 U.S.C. 7411 to 7425

Abstract: This action invites comments on the establishment of an industry-funded promotion, research, and information program for natural grass sod products. The proposed Natural Grass Sod Promotion, Research,

and Information Order was submitted to the U.S. Department of Agriculture by Turfgrass Producers International, a group of natural grass sod producers. The program would conduct research, marketing, and promotion activities that will benefit the entire industry. Primary goals of the program include educating consumers and stakeholders of the benefits of natural grass and providing producers with marketing tools they can use to grow their business. The goals identified in this proposed rule would only be attainable through a national research and promotion program for natural grass sod.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeana Harbison, Deputy Director of Livestock and Poultry Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 690–3192, *Email:* jeana.m.harbison@usda.gov.

RIN: 0581–AE07

2. Organic Market Development for Mushrooms and Pet Food (AMS–NOP–22–0063) [0581–AE13]

Legal Authority: 7 U.S.C. 6501

Abstract: This action seeks comments on the proposed amendments to USDA organic regulations that would clarify production and handling requirements for a) organic pet food standards and b) organic mushrooms. These products are currently certified organic to the standards for similar products like those for human consumption (pet food) or for crops (mushrooms). The proposed action seeks to increase regulatory certainty for these markets and, in turn, support investment, product development, and availability of products in the market. The title and scope of the previous action for this RIN (05810–AE13) titled “Organic Pet Food Standards” has been revised to include the establishment of standards for the production and certification of mushrooms, which was previously proposed under now withdrawn RIN 0851–AE14.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581–AE13

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

3. Dairy Donation Program (AMS–DA–21–0013) [0581–AE00]

Legal Authority: Pub. L. 116–260, sec. 762

Abstract: This rulemaking would finalize the Dairy Donation Program, which was authorized in the Consolidated Appropriations Act of 2021. The Dairy Donation Program is a voluntary program that reimburses eligible dairy organizations for milk used to make eligible dairy products donated to non-profit groups for distribution to low-income persons.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/21	86 FR 48887
Interim Final Rule	11/01/21	
Comment Period End.		
Final Rule	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, Department of Agriculture, Agricultural Marketing Service, Dairy Program, 1400 Independence Avenue SW, Room 2969–S, Washington, DC 20250, *Phone:* 202 720–7311, *Email:* erin.taylor@ams.usda.gov.

RIN: 0581–AE00

4. Preserving Trust Benefits Under the Packers and Stockyards Act (AMS–FTPP–21–0015) [0581–AE01]

Legal Authority: Pub. L. 116–260, sec. 763

Abstract: This action would revise the Packers and Stockyards regulations to add provisions for written notifications related to the new livestock dealer trust. The revisions would outline the process for livestock sellers to notify livestock dealers and the Secretary of the seller's intent to preserve their interest in trust benefits should the dealer fail to pay for livestock purchased. The revisions would also require livestock sellers to acknowledge in writing that they forfeit rights to the dealer trust under the terms of credit sales to dealers. These provisions would mirror existing regulatory provisions related to livestock and poultry sales under the Packers and Stockyards Act.

Timetable:

Action	Date	FR Cite
NPRM	05/05/22	87 FR 26695
NPRM Comment Period End.	06/06/22	
Final Rule	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stuart Frank, Division Director, Packers and Stockyards Division, Department of Agriculture, Agricultural Marketing Service, Federal Building; Room 917, 210 Walnut Street, Des Moines, IA 50309, *Phone:* 515 323–2586, *Email:* stuart.frank@usda.gov.

RIN: 0581–AE01

5. Transparency in Poultry Grower Contracting and Tournaments (AMS–FTPP–21–0044) [0581–AE03]

Legal Authority: 7 U.S.C. 181 to 229c

Abstract: This action amends regulations issued under the Packers

and Stockyards Act (P&S Act), revising the list of disclosures and information live poultry dealers must furnish to poultry growers and sellers with whom dealers make poultry growing arrangements. The rule establishes parameters for the use of poultry grower ranking systems by dealers to determine settlement payments for poultry growers. Amendments are intended to promote transparency in poultry production contracting and to give poultry growers relevant information with which to make business decisions.

Timetable:

Action	Date	FR Cite
NPRM	06/08/22	87 FR 34980
NPRM Comment Period End.	08/08/22	
Notice of Reopening of Comment Period.	08/08/22	87 FR 48091
NPRM Comment Period End.	08/23/22	
Final Rule	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250–0237, *Phone:* 202 720–0219.

RIN: 0581–AE03

6. Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (AMS–FTPP–21–0045) [0581–AE05]

Legal Authority: 7 U.S.C. 181 to 229c

Abstract: This final rule would supplement a recent revision to regulations issued under the Packers and Stockyards Act (Act) (7 U.S.C. 181 229c) that provided criteria for the Secretary to consider when determining whether certain conduct or action by packers, swine contractors, or live poultry dealers is unduly or unreasonably or advantageous. Supplemental amendments clarify the conduct the Department considers unfair, preferential, unjustly discriminatory, or deceptive and a violation of sections 202(a) and (b) of the Act. The rule also clarifies the criteria and types of conduct that would be considered unduly or unreasonably preferential, advantageous, prejudicial, or disadvantageous and violations of the Act, including retaliatory practices that interfere with lawful communications, assertion of rights, and associational participation.

Timetable:

Action	Date	FR Cite
NPRM	10/03/22	87 FR 60010
NPRM Comment Period Extended.	11/30/22	87 FR 73507
NPRM Comment Period End.	12/02/22	
NPRM Comment Period Extended End.	01/17/23	
Final Rule	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250–0237, *Phone:* 202 720–0219.

RIN: 0581–AE05

7. Organic Livestock and Poultry Standards (AMS–NOP–21–0073) [0581–AE06]

Legal Authority: 7 U.S.C. 6501 to 7 U.S.C. 6524

Abstract: This action would establish additional practice standards for organic livestock and poultry production. The rule would amend the USDA organic regulations related to: livestock and poultry living conditions (for example, outdoor access, housing environment, and stocking densities); animal health care (for example, physical alterations, administering medical treatment, and euthanasia); animal transport; and slaughter.

Timetable:

Action	Date	FR Cite
NPRM	08/09/22	87 FR 48562
NPRM Comment Period End.	10/11/22	
Comment Period Extended.	10/11/22	87 FR 61268
Comment Period Extended End.	11/10/22	
Final Rule	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erin Healy, Director, Standards Division, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 617–4942 *Email:* erin.healy@usda.gov.

RIN: 0581–AE06

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Long-Term Actions

8. Organic Aquaculture Standards [0581–AD34]

Legal Authority: 7 U.S.C. 6501 to 6522
Abstract: This action would establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program (NOP).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.
RIN: 0581–AD34

9. Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008) [0581–AE02]

Legal Authority: 7 U.S.C. 6501 to 6524
Abstract: Based on comments received from the advance notice of proposed rulemaking, this proposed rule seeks public comment on recommendations to replace outdated references in USDA's organic regulations to U.S. Environmental Protection Agency (EPA) policy on inert ingredients in pesticides. Inerts, also identified as 'other ingredients' on pesticide labels, are any substances other than the active ingredient that are intentionally added to pesticide products. References to outdated EPA policy appear in the USDA organic regulations in the National List of Allowed and Prohibited Substances (National List) and identify the inert ingredients allowed in pesticides for organic production.

Timetable:

Action	Date	FR Cite
ANPRM	09/02/22	87 FR 54173
ANPRM Comment Period Extended.	10/11/22	87 FR 61268
ANPRM Comment Period End.	11/01/22	
ANPRM Comment Period Extended End.	12/31/22	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.
RIN: 0581–AE02

10. Organic Apiculture Production Standards [0581–AE12]

Legal Authority: 7 U.S.C. 6501
Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.
RIN: 0581–AE12

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

11. Strengthening Organic Enforcement (AMS–NOP–17–0065) [0581–AD09]

Legal Authority: 7 U.S.C. 6501
Abstract: The Strengthening Organic Enforcement (SOE) final rule would, once effective, amend the USDA organic regulations to strengthen oversight and enforcement of the production, handling, and sale of organic agricultural products.

Topics addressed in this rule include: Applicability of the regulations and exemptions from organic certification; National Organic Program Import Certificates; recordkeeping and product traceability; certifying agent personnel qualifications and training; standardized certificates of organic operation; unannounced on-site inspections of certified operations; oversight of certification activities; foreign conformity assessment systems; certification of grower group operations; labeling of nonretail containers; annual update requirements for certified operations; compliance and appeals processes; and calculating organic content of multi-ingredient products.

Completed:

Reason	Date	FR Cite
Final Rule	01/19/23	88 FR 3548

Reason	Date	FR Cite
Final Action Effective.	03/30/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Phone: 202 260-8077, Email: jennifer.tucker@usda.gov.
RIN: 0581-AD09

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

12. Revision to Horse Protection Act Regulations [0579-AE70]

Legal Authority: 15 U.S.C. 1823
Abstract: Current Horse Protection Act (HPA) regulations require Designated Qualified Persons (DQPs) to be licensed directly through Horse Industry Organizations (HIOs). DQPs conduct inspections of horses at HIO-affiliated shows, sales, auctions, and exhibitions to determine compliance with the HPA. We are proposing to amend the Horse Protection regulations by eliminating the role of HIOs and assigning inspection authority solely to Animal and Plant Health Inspection Service (APHIS) Veterinary Medical Officers and other third parties authorized and trained by APHIS. Other changes are also being contemplated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	
NPRM Comment Period End.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lance Bassage, VMD, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.
RIN: 0579-AE70

13. AQI User Fees [0579-AE71]

Legal Authority: 21 U.S.C. 136a
Abstract: We are proposing multiple revisions to our AQI user fee regulations in order to facilitate full cost recovery as required by 21 U.S.C. 136a. We are proposing to update the fees using more current operational data, as well as update the fees to incorporate recurring

costs such as capital improvements and staffing needs. Inflation would also be incorporated into our model. Other changes are also being contemplated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: George Balady, PEIP Cost and Fee Analysis, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737, Phone: 301 851-2338.

RIN: 0579-AE71

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

14. Animal Disease Traceability; Electronic Identification [0579-AE64]

Legal Authority: 7 U.S.C. 8301 *et seq.*
Abstract: This action amends APHIS' animal disease traceability regulations, currently codified at 9 CFR part 86. The primary change requires that APHIS will only recognize identification devices (e.g., eartags) as official identification for cattle and bison covered by the regulations if the devices have both visual and electronic readability (EID). Other changes clarify language and requirements in several sections of part 86. These changes will enhance the U.S. traceability system to better achieve goals of rapidly tracing diseased and exposed animals and containing outbreaks.

Timetable:

Action	Date	FR Cite
NPRM	01/19/23	88 FR 3320
NPRM Comment Period End.	03/20/23	
NPRM Comment Period Extended.	03/20/23	88 FR 16576
NPRM Comment Period Extended End.	04/19/23	
Final Rule	02/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Aaron Scott Ph.D., DACVPM, Director, Department of Agriculture, Animal and Plant Health Inspection Service, National Animal

Disease Traceability and Veterinary Accreditation Center, APHIS Veterinary Services Strategy and Policy, 2150 Centre Avenue, Building B (Mail Stop 3E87), Fort Collins, CO 80526, Phone: 970 494-7249, Email: traceability@usda.gov.

RIN: 0579-AE64

15. Importation of Bovine Meat From Paraguay [0579-AE73]

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: 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.

Timetable:

Action	Date	FR Cite
NPRM	03/27/23	88 FR 18077
NPRM Comment Period End.	05/26/23	
Final Action—To Be Determined—APHIS Evaluating Public Comments.	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ingrid Kotowski, Regionalization Evaluation Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, Phone: 919 855-7732.

RIN: 0579-AE73

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

16. National List of Reportable Animal Diseases [0579-AE39]

Legal Authority: 7 U.S.C. 8301 to 8317
Abstract: This rulemaking amends our disease regulations to provide for a National List of Reportable Animal Diseases, along with reporting

responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents. The changes are necessary to streamline Federal cooperative animal disease detection, response, and control efforts. This action will consolidate and enhance current disease reporting mechanisms, and it will complement and supplement existing animal disease tracking and reporting at the State level.

Timetable:

Action	Date	FR Cite
NPRM	04/02/20	85 FR 18471
NPRM Comment Period End.	06/01/20	
NPRM Comment Period Re-opened.	08/18/20	85 FR 50796
NPRM Comment Period Re-opened End.	08/21/20	
NPRM Comment Period Re-opened.	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jane Rooney, *Phone:* 970 494-7397.

RIN: 0579-AE39

17. Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs [0579-AE58]

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: We are proposing to amend the regulations regarding the importation of live dogs by requiring all live dogs imported into the United States for resale purposes to be microchipped for permanent identification, and to require importers to procure a microchip reader and make it available to port-of-entry officials as requested. This action would also add microchipping as one of three identification options for dogs and cats used by dealers, exhibitors and research facilities. In addition, APHIS is proposing to require a verifiable signature on the health certificate and rabies certificate accompanying imported live dogs, an endorsement of the health certificate by a government official in the country of origin, and the mandatory use of forms provided by APHIS. Additionally, we are proposing to update cage standards for dogs held domestically by dealers or exhibitors who are licensed under the Animal Welfare Act or used in research at registered facilities. Other changes are also being contemplated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Lance Bassage, *Phone:* 301 851-3748, *Email:* lance.h.bassage@usda.gov.

RIN: 0579-AE58

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

18. Establishing AWA Standards for Birds [0579-AE61]

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: This rulemaking will extend APHIS enforcement of the Animal Welfare Act (AWA) to birds, other than birds bred for use in research. This will help ensure the humane care and treatment of such birds.

Completed:

Reason	Date	FR Cite
Final Rule	02/21/23	88 FR 10654
Final Rule Effective.	03/23/23	
Final Rule; OFR Correction.	02/24/23	88 FR 11779

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Cody Yager, *Phone:* 970 494-7478, *Email:* cody.m.yager@usda.gov.

RIN: 0579-AE61

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Long-Term Actions

19. National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 [0584-AE11]

Legal Authority: Pub. L. 111-296

Abstract: This rule amends National School Lunch Program (NSLP) regulations to conform to requirements contained in the Healthy, Hunger-Free Kids Act of 2010 regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities

(SFAs) participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced-price lunches as is provided for lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and supplements reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/17/11	76 FR 35301
Interim Final Rule Effective.	07/01/11	
Interim Final Rule Comment Period End.	09/15/11	
Final Rule	09/00/25	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael DePiro, *Phone:* 703 305-2876, *Email:* michael.depiro@usda.gov.

Maureen Lydon, Phone: 703 457-7713, *Email:* maureen.lydon@usda.gov. *RIN:* 0584-AE11

20. Technical Changes for Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems [0584-AE37]

Legal Authority: Pub. L. 113-79

Abstract: The Food and Nutrition Service (FNS) will propose changes that collectively modernize SNAP benefit issuance and increase program integrity while streamlining program administration, offering greater flexibility to State agencies, and improving customer service. The rule will propose to codify provisions of the 2014 Farm Bill, the 2018 Farm Bill, and respond to 2018 OIG audit findings. The rule will propose to codify 2014 Farm Bill provisions requiring most SNAP-authorized retailers to pay the costs associated with EBT equipment, supplies and related services and requirements pertaining to the online SNAP payment option. This rule would also propose to codify waivers that have been granted to State agencies to implement practices that have proven beneficial as the EBT system has developed and matured and update EBT system technical and functional requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/25	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Charles H. Watford,
Phone: 703 605-0800, Email:
charles.watford@usda.gov.

Maureen Lydon, Phone: 703 457-
7713, Email: maureen.lydon@usda.gov.

RIN: 0584-AE37

**21. Providing Regulatory Flexibility for
Retailers in the Supplemental Nutrition
Assistance Program (SNAP) [0584-
AE61]**

Legal Authority: Pub. L. 113-79; 7
U.S.C. 2011 to 2036

Abstract: The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements. Subsequent annual Agency appropriations bill language prohibited implementation of certain final rule provisions. In response, this change will provide some retailers participating in SNAP as authorized food stores with more flexibility in meeting the enhanced SNAP eligibility requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/05/19	84 FR 13555
NPRM Comment Period End.	06/04/19	
NPRM Comment Period Re- opened.	06/14/19	84 FR 27743
NPRM Comment Period Reopen End.	06/20/19	
Final Action	04/00/25	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Charles H. Watford,
Phone: 703 605-0800, Email:
charles.watford@usda.gov.

Maureen Lydon, Phone: 703 457-
7713, Email: maureen.lydon@usda.gov.

RIN: 0584-AE61

**22. Strengthening Integrity and
Reducing Retailer Fraud in the
Supplemental Nutrition Assistance
Program (SNAP) [0584-AE71]**

Legal Authority: Pub. L. 113-79; Pub.
L. 115-334

Abstract: This proposed rule would implement statutory provisions of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), and other language intended to deter retailer fraud, abuse, and non-compliance in the Supplemental Nutrition Assistance Program (SNAP).

Timetable:

Action	Date	FR Cite
NPRM	11/00/24	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Charles H. Watford,
Phone: 703 605-0800, Email:
charles.watford@usda.gov.

Maureen Lydon, Phone: 703 457-
7713, Email: maureen.lydon@usda.gov.
RIN: 0584-AE71

**23. Special Supplemental Nutrition
Program for Women, Infants and
Children (WIC): WIC Online Ordering
and Transactions and Food Delivery
Revisions To Meet the Needs of a
Modern, Data-Driven Program [0584-
AE85]**

Legal Authority: Pub. L. 111-296

Abstract: This final rulemaking addresses key regulatory barriers to online ordering in the WIC Program by making changes to the provisions that prevent online transactions and types of online capable stores from participating in the Program. This rule will also allow FNS to modernize WIC vendor regulations that do not reflect current technology and facilitate the Program's transition to EBT. FNS will consider public comments received during the proposed rulemaking stage in development of this final rule.

Timetable:

Action	Date	FR Cite
NPRM	02/23/23	88 FR 11516
NPRM Comment Period End.	05/24/23	
Final Action	02/00/25	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Michael DePiro,
Phone: 703 305-2876, Email:
michael.depiro@usda.gov.

Maureen Lydon, Phone: 703 457-
7713, Email: maureen.lydon@usda.gov.
RIN: 0584-AE85

BILLING CODE 3410-30-P

**DEPARTMENT OF AGRICULTURE
(USDA)**

Forest Service (FS)

Final Rule Stage

**24. • Performance Bonding for
Locatable Minerals [0596-AD58]**

Legal Authority: Organic
Administration Act of June 4, 1897; 30
Stat. 34, 36 (16 U.S.C. 478, 482, 551);
General Mining Act of 1872, as
amended; 17 Stat. 91 (30 U.S.C. 22-54);
Surface Resources Act, Pub. L. 167, July
23, 1955, 69 stat. 368. (30 U.S.C. 601,
603, 611-15)

Abstract: This rulemaking would revise Locatable Minerals regulations at 36 CFR 228.13 to allow AA or AAA-rated investments within trust funds as financial guarantee for long-term post-closure obligations. This would create consistency with existing BLM regulations and respond to an immediate programmatic need to provide a viable mechanism for financing long-term, post-closure environmental obligations, which is crucial to the stewardship and restoration of NFS lands affected by mining. This final rule will help meet the Administration's priority to improve service delivery, customer experience, and reduce administrative burdens for those accessing public benefits and services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Nathan Morris,
Department of Agriculture, Forest
Service, 201 14th Street SW,
Washington, DC 20024, Phone: 202 205-
0833, Email: nathan.morris@usda.gov.

RIN: 0596-AD58

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE**Office of the Secretary****13 CFR Ch. III****15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI****19 CFR Ch. III****37 CFR Chs. I, IV, and V****48 CFR Ch. 13****50 CFR Chs. II, III, IV, and VI****Spring 2022 Semiannual Agenda of Regulations**

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: In compliance with Executive Order 12866, entitled “Regulatory Planning and Review,” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2022 agenda.

The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in the Department’s regulatory process.

Commerce’s spring 2023 regulatory agenda includes regulatory activities that are expected to be conducted during the period June 1, 2023, through May 31, 2024.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Candida Harty, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3410.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to

Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration. By memorandum of February 22, 2023, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2023 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce’s regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations.

Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent

and Trademark Office issue the greatest share of Commerce’s regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA’s National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS’ programs, an “Explanation of Information Contained in NMFS Regulatory Entries” is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare and submit to NMFS Fishery Management Plans (FMPs) for the fisheries within their respective areas in the EEZ. Membership of these Councils is comprised of representatives of the commercial and recreational fishing sectors in addition to environmental, academic, and government interests. Council members are nominated by the governors and ultimately appointed by the Secretary of Commerce. The Councils are required by law to conduct public hearings on the development of FMPs and FMP amendments. Consistent with applicable law, environmental and other analyses are developed that consider alternatives to proposed actions.

Pursuant to the Magnuson-Stevens Act, the Councils also recommend actions to NMFS deemed necessary or appropriate to implement FMPs. The proposed regulations, FMPs, and FMP amendments are subject to review and approval by NMFS, based on consistency with the Magnuson-Stevens Act and other applicable law. The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce’s spring 2023 regulatory agenda follows.

Leslie Kiernan,
General Counsel.

GENERAL ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
25	Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures.	0605-AA60
26	Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities.	0605-AA61

GENERAL ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
27	Securing the Information and Communications Technology and Services Supply Chain	0605-AA51

INTERNATIONAL TRADE ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
28	Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414.	0625-AB21

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
29	Atlantic Highly Migratory Species; Electronic Reporting Requirements	0648-BM23

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
30	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648-BG04
31	Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648-BG11
32	Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management.	0648-BI10
33	Rulemaking to Modify the 2023–2027 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D.	0648-BM18
34	Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan—Modifications to Non-Trawl Area Management Measures.	0648-BM28
35	Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals	0648-BJ52

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
36	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648-BH87
37	Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program.	0648-BL08
38	Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit.	0648-BL42
39	2023–2024 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery ..	0648-BL48
40	2023 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures	0648-BM09
41	Amendment and Updates to the Pelagic Longline Take Reduction Plan	0648-BF90
42	Designation of Critical Habitat for the Threatened Caribbean Corals	0648-BG26
43	Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule	0648-BI88
44	Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act.	0648-BK04

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
45	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648–BH70
46	Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska	0648–BK31
47	Atlantic Highly Migratory Species; Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan.	0648–BM08

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
48	Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management	0648–BI08
49	Amendment 23 to the Northeast Multispecies Fishery Management Plan	0648–BK17
50	Revisions to Federal Regulations to Economic Data Reporting Requirements for Groundfish and Crab Fisheries off Alaska and Amendment 52 to the Fishery Management Plan for BSAI King and Tanner Crabs.	0648–BL50
51	Framework Adjustment 36 to the Atlantic Sea Scallop Fishery Management Plan	0648–BL99

PATENT AND TRADEMARK OFFICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
52	Setting and Adjusting Patent Fees	0651–AD64
53	Setting and Adjusting Trademark Fees	0651–AD65

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Proposed Rule Stage

25. Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures [0605–AA60]*Legal Authority:* Not Yet Determined

Abstract: The Department is seeking public input regarding establishing a licensing process for entities to seek pre-approval before engaging in or continuing to engage in potentially regulated ICTS Transactions under the “Securing the Information and Communications Technology and Services Supply Chain” rule.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/21	86 FR 16312
ANPRM Comment Period End.	04/28/21	
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 482–1595, Email: jbartels@doc.gov.

RIN: 0605–AA60

26. Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities [0605–AA61]*Legal Authority:* Not Yet Determined

Abstract: Executive Order 13984 of January 19, 2021, entitled Taking Additional Steps to Address the National Emergency with Respect to Significant Malicious Cyber-Enabled Activities (E.O. 13984), has directed the Secretary of Commerce (Secretary) to implement regulations that would govern the process and procedures that the Secretary will use to deter foreign malicious cyber actors’ use of United States Infrastructure as a Service (IaaS) products and assist in the investigation of transactions involving foreign malicious cyber actors.

Timetable:

Action	Date	FR Cite
ANPRM	09/24/21	86 FR 53018
ANPRM Comment Period End.	10/25/21	
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 482–1595, Email: jbartels@doc.gov.

RIN: 0605–AA61

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

Final Rule Stage

27. Securing the Information and Communications Technology and Services Supply Chain [0605–AA51]*Legal Authority:* 50 U.S.C. 1701; 3 U.S.C. 301

Abstract: Pursuant to Executive Order 13873 of May 15, 2019, “Securing the Information and Communications Technology and Services Supply Chain,” (Executive Order) the Department of Commerce (the Department) is implementing the process and procedures that the Secretary of Commerce (Secretary) will use to identify, assess, and address transactions that pose an undue risk to the security, integrity, and reliability of information and communications technology and services provided and used in the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/27/19	84 FR 65316
NPRM Comment Period End.	12/27/19	
Interim Final Rule	01/19/21	86 FR 4909
Interim Final Rule Comment Period End.	03/22/21	
Interim Final Rule Effective Date.	03/22/21	

Action	Date	FR Cite
Final Action	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Bartels, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, *Phone:* 202 482-1595, *Email:* jbartels@doc.gov.

RIN: 0605-AA51

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Final Rule Stage

28. Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414 [0625-AB21]

Legal Authority: Proc 10414, 87 FR 35067; 19 U.S.C. 1318

Abstract: In accordance with Presidential Proclamation 10414 and pursuant to its authority under Section 318(a) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is issuing this final rule to implement Proclamation 10414. Specifically, Commerce is issuing a new rule that, in the event of an affirmative preliminary or final determination in the antidumping and countervailing duty (AD/CVD) circumvention inquiries described below, under Title VII of the Act, extends the time for, and waives, the suspension of liquidation, the application of certain AD/CVD duties, and the collection of cash deposits on applicable entries of certain crystalline silicon photovoltaic cells, whether or not assembled into modules, that are completed in the Kingdom of Cambodia (Cambodia), Malaysia, the Kingdom of Thailand (Thailand), and the Socialist Republic of Vietnam (Vietnam) using parts and components manufactured in the People's Republic of China (China), and that are not already subject to an antidumping or countervailing duty order.

Timetable:

Action	Date	FR Cite
NPRM	07/01/22	87 FR 39426
NPRM Comment Period End.	08/01/22	
Final Action	09/16/22	87 FR 56868
Final Action Effective.	11/15/22	
Next Action Undetermined.	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nikki Kalbing, Department of Commerce, International Trade Administration, Washington, DC 20230, *Phone:* 202 717-3147, *Email:* nikki.kalbing@trade.gov.
RIN: 0625-AB21

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

National Marine Fisheries Service

29. • Atlantic Highly Migratory Species; Electronic Reporting Requirements [0648-BM23]

Legal Authority: 16 U.S.C. 1801 *et seq.* 16 U.S.C. 971 *et seq.*

Abstract: Atlantic highly migratory species (HMS) are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act (ATCA), *id.* 971 *et seq.*, the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas. This ANPR would consider options to: (1) streamline logbook reporting by converting existing commercial paper logbooks to electronic logbooks; (2) expand logbook reporting to recreational and commercial permit holders via electronic logbooks, to be consistent with Agency efforts in other fisheries and to augment data collected for fishery management; (3) collect additional information through existing electronic reporting mechanisms for dealers and recreational permit holders to augment data collected for fishery management; and (4) facilitate HMS reporting including considering ways to incentivize reporting compliance (or penalize noncompliance) and offering an electronic reporting platform for HMS Exempted Fishing Permit Program permit holders. This action is being taken pursuant to the rulemaking authority under section 304(c) of the Magnuson-Stevens Fishery Conservation and Management Act. 16 U.S.C. 1854(c).

Timetable:

Action	Date	FR Cite
ANPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.
RIN: 0648-BM23

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

30. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty [0648-BG04]

Legal Authority: 16 U.S.C. 973 *et seq.*

Abstract: Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Malloy, Acting Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* sarah.malloy@noaa.gov.
RIN: 0648-BG04

31. Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act [0648-BG11]

Legal Authority: Pub. L. 114-81

Abstract: This proposed rule would make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114–81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule would also implement the Port State Measures Agreement. To that end, this proposed rule would require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule would establish procedures for notification of: the denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	07/08/22	87 FR 40763
NPRM Comment Period End.	09/06/22	
Second NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8286, *Email:* alexa.cole@noaa.gov.
RIN: 0648–BG11

32. Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management [0648–BI10]

Legal Authority: 16 U.S.C. 1801 *et seq.*
Abstract: This rulemaking would address conducting research in areas currently closed to fishing for Atlantic highly migratory species (HMS)—during various times or by certain gear—to collect fishery-dependent data. A number of time/area closures or gear-restricted areas have been implemented over the years through various rulemakings, limiting fishing for Atlantic highly migratory species in those areas for a variety of reasons including reducing bycatch. These time/area closures have been implemented in consultation with the HMS Advisory Panel to protect species consistent with the Magnuson-Stevens Fisheries Conservation and Management Act (*e.g.*, to reduce bycatch in the pelagic longline fishery off the east coast of Florida), the Endangered Species Act *e.g.*, to protect sea turtles in the North Atlantic), and the Atlantic Tunas Convention Act (*e.g.*, to protect spawning bluefin tuna in the Gulf of Mexico). Fishery-dependent data supports effective fisheries management, and areas that restrict fishing effort often have a commensurate decrease in fishery-dependent data collection. Programs to facilitate research and data collection, such as those that would be covered by this rulemaking, could assess the efficacy of closed areas, improve sustainable management of highly migratory species, and may provide benefits to commercial and recreational fishermen.

Timetable:

Action	Date	FR Cite
NPRM	05/05/23	88 FR 29050
NPRM Comment Period End.	09/15/23	
Final Action	11/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427–8500, *Email:* kelly.denit@noaa.gov.
RIN: 0648–BI10

33. • Rulemaking To Modify the 2023–2027 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D [0648–BM18]

Legal Authority: 16 U.S.C. 773
Abstract: Commercial halibut fishing off the coast of Alaska is managed under an Individual Fishing Quota (IFQ) program implemented by Federal regulations under the authority of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773 *et seq.* On February 10, 2023, the North Pacific Fishery Management Council (Council) recommended to temporarily remove IFQ halibut vessel caps for the 2023–2027 fishing years in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This action is needed to provide continued flexibility and consistency in the Pacific halibut fishery. This action would implement the temporary management measure that has been recommended by the Council and implemented by NMFS annually since 2020 for a 5-year period. This action would revise 50 CFR 679.42(h)(1) to remove vessels caps in those four areas for the 2023–2027 fishing year. This temporary action would provide consistency for fishery participants over the next five years, while the Council develops a long-term solution to modify vessel use caps in Area 4. Halibut IFQ holders with quota share in those four areas would be affected by this action, as well as Community Quota Entities in area 4B. This action would not modify any other aspects of the IFQ Program. Section 773(c) of the Northern Pacific Halibut Act is the rulemaking authority.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7638, *Email:* jon.kurland@noaa.gov.
RIN: 0648–BM18

34. • Amendment 32 to the Pacific Coast Groundfish Fishery Management Plan—Modifications to Non-Trawl Area Management Measures [0648–BM28]

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 773 *et seq.*; 16 U.S.C. 7001 *et seq.*

Abstract: With the rebuilt status of several groundfish stocks, the Pacific Fishery Management Council (Council) has for several years been prioritizing increased access to the Non-Trawl Rockfish Conservation Area (RCA) and Cowcod Conservation Area (CCA), which are groundfish closed areas initially enacted to protect overfished rockfish species. This action was included on the Council's list of priority actions under E.O. 13921. Currently, all but one species of rockfish has been declared rebuilt, and the remaining species (yelloweye rockfish) is projected to rebuild ahead of schedule. In accordance with a recommendation from the Council at their March 2023 meeting, and under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act of 1982, the National Marine Fisheries Service (NMFS) West Coast Region proposes to implement a suite of changes to non-trawl area management measures seaward of California and Oregon. Specifically, NMFS proposes to: (1) allow increased fishing access to the Non-Trawl RCA for the commercial groundfish limited entry fixed gear sector and vessels that gear switch under the Trawl Individual Fishing Quota program; (2) modify gear restrictions in the Non-Trawl RCA for all non-trawl commercial groundfish sectors; (3) open a portion of the Non-Trawl RCA for all non-trawl commercial groundfish sectors and the directed halibut fishery; (3) open the CCA seaward of California for all groundfish commercial and recreational non-trawl sectors, and (4) enable the use of Block Area Closures to mitigate groundfish catch for all non-trawl sectors. The purpose of this action to provide fishing access to healthy groundfish stocks for non-trawl groundfish fisheries and the directed halibut fishery while still meeting the conservation objectives of the Pacific Coast Groundfish Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, Phone: 503 872-2791, Email: scott.rumsey@noaa.gov.
RIN: 0648-BM28

35. Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals [0648-BJ52]

Legal Authority: 16 U.S.C. 1531 *et seq.*
Abstract: On September 10, 2014, NMFS listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatopora aculeata*). This proposed rule would designate critical habitat for the listed Caribbean coral species. The proposed designation may cover coral reef habitat around 13 island or atoll units in the Pacific Islands Region, including three in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and two in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. NMFS will coordinate the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard to assess any potential national security impacts that may result from the critical habitat designation. Based on information provided, we will determine whether to propose to exclude any areas based on national security impacts.

Timetable:

Action	Date	FR Cite
NPRM	11/27/20	85 FR 76262
NPRM Comment Period End.	01/26/21	
NPRM Comment Period Extended.	12/23/20	85 FR 83899
NPRM Comment Period Extended End.	02/25/21	
Second NPRM Comment Period Extended.	02/09/21	86 FR 8749
Second Extended Comment Period End.	03/27/21	
Third NPRM Comment Period Extended.	03/29/21	86 FR 16325
Third NPRM Comment Period Extended End.	05/26/21	
Second NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov.

RIN: 0648-BJ52

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Fisheries Service

36. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood [0648-BH87]

Legal Authority: 16 U.S.C. 1801 *et seq.*; Pub. L. 115-141

Abstract: On December 9, 2016, NMFS issued a final rule that established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

Timetable:

Action	Date	FR Cite
NPRM	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action	07/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

RIN: 0648-BH87

37. Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program [0648-BL08]

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

Abstract: In response to a recommendation by the North Pacific Fishery Management Council, this proposed action would implement Amendment 122 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, the Pacific cod Trawl Cooperative Program (PCTC Program) would allocate quota share (QS) to groundfish License Limitation Program (LLP) license holders based on the harvest of BSAI Pacific cod during qualifying years. This Program would also allocate QS to a processor permit holder based on processing history during the qualifying years. QS allocated under this program would yield an exclusive harvest privilege to members of a PCTC Program cooperative. The Council's intent in recommending Amendment 122 is to improve the prosecution of the fishery by promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the Pacific cod resource in the BSAI. The Council initiated action on this Limited Access Privilege Program (LAPP) in response to industry requests to address increasing inefficiency in the BSAI Pacific cod trawl catcher vessel sector by implementing a catch share program. Owners and operators of harvesters and processors that participate in the BSAI Pacific cod trawl fishery would be affected by this action. Section

304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the rulemaking authority. Section 303A of the MSA authorizes the creation of LAPPs.

Timetable:

Action	Date	FR Cite
NPRM	02/09/23	88 FR 8592
NPRM Comment Period End.	03/13/23	
Final Action	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

RIN: 0648-BL08

38. Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit [0648-BL42]

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

Abstract: In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, this action would determine the BSAI Amendment 80 commercial groundfish trawl fleet's (A80) halibut prohibited species catch (PSC) limit annually based on the most recent values from surveys conducted by the Alaska Fisheries Science Center and the International Pacific Halibut Commission (IPHC). The Council's intent in recommending Amendment 123 is to link annual halibut PSC limits in the A80 fleet with estimated halibut abundance. The reason for the change being considered is that the current PSC limit, currently set as a fixed annual amount of 1,745 mt, becomes an increasingly larger proportion of total halibut removals in the BSAI when halibut abundance declines. Over the last 6 years, the Council and its advisory bodies, stakeholders, and the public have considered several approaches for a halibut abundance-based management (ABM) program consistent with Council fishery management objectives and the Magnuson-Stevens Fishery Conservation and Management Act

(MSA). Public testimony on this action over the years has focused on two primary concerns. The first is the importance of providing flexibility to the A80 fleet to prosecute their quotas. The second is concern about the decline in the directed halibut fishery catch as a result of a decline in halibut abundance, compounded by fixed PSC limits that further reduce the proportion of halibut available to the directed halibut fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/09/22	87 FR 75570
NPRM Comment Period End.	01/23/23	
Final Action	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

RIN: 0648-BL42

39. 2023-2024 Harvest Specifications and Management Measures for the Pacific Coast Groundfish Fishery [0648-BL48]

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

Abstract: Every other year, the Pacific Fishery Management Council makes recommendations to set biennial allowable harvest levels for Pacific Coast groundfish, and recommends management measures for commercial, recreational, and tribal fisheries that are designed to achieve those harvest levels consistent with the Pacific Coast Groundfish Fishery Management Plan. For the 2023-24 biennium, the Pacific Fishery Management Council has recommended: Harvest specifications, including overfishing limits, acceptable biological catches, and annual catch limits; and Management measures to achieve those specifications. The specifications and management measures that would be forwarded by this action would be in effect from January 1, 2023, through December 31, 2024. The National Marine Fisheries Service (NMFS) would implement this rulemaking under the authority of the Magnuson Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	10/14/22	87 FR 62676
NPRM Comment Period End.	11/14/22	

Action	Date	FR Cite
Final Action	12/16/22	87 FR 77007
Final Action Effective.	01/01/23	
Final Rule Correcting Amendment.	03/01/23	88 FR 12865
Final Rule Correcting Amendment Effective.	03/01/23	
Final Rule Second Correcting Amendment.	06/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

RIN: 0648-BL48

40. • 2023 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures [0648-BM09]

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

Abstract: In response to the joint recommendation from the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission this rule would propose management measures such as recreational possession limits, minimum fish sizes, and seasonal closures to achieve the 2023 recreational harvest targets for summer flounder, scup, and black sea bass. For summer flounder, and black sea bass the Regional Administrator must implement coastwide measures or approve conservation equivalent measures per 50 CFR 648.102(d) as soon as possible following the Council and Commission's recommendation. This action proposes establishing conservation equivalency (*i.e.*, waiving Federal measures in lieu of appropriate state water measures) for the recreational summer flounder and black sea bass fisheries in 2023 and proposes non-preferred coastwide measures to be effective in Federal waters if, ultimately, we are unable to approve conservation equivalency. This action also proposes minor changes recreational management measures for the Federal scup fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/30/23	88 FR 19046
NPRM Comment Period End.	04/14/23	
Final Action	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BM09

41. Amendment and Updates to the Pelagic Longline Take Reduction Plan [0648-BF90]

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action would examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

Timetable:

Action	Date	FR Cite
NPRM	12/15/20	85 FR 81168
NPRM Comment Period End.	02/16/21	
Final Action	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.

RIN: 0648-BF90

42. Designation of Critical Habitat for the Threatened Caribbean Corals [0648-BG26]

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS listed 5 Caribbean corals as threatened under the Endangered Species Act on October 10,

2014. Critical habitat shall be designated to the maximum extent prudent and determinable at the time a species is proposed for listing (50 CFR 424.12). We concluded that critical habitat was not determinable for the 5 corals at the time of listing. However, we anticipated that critical habitat would be determinable in the future given on-going research. We, therefore, announced in the final listing rules that we would propose critical habitat in separate rulemakings. This rule proposes to designate critical habitat for the 5 Caribbean coral species listed in 2014. A separate proposed critical habitat rule is being prepared for the 15 Indo-Pacific corals listed as threatened in 2014. The proposed designation for the Caribbean corals may include marine waters in Florida, Puerto Rico, U.S. Virgin Islands, Navassa Island, and Flower Garden Banks containing essential features that support all stages of life history of the corals. The proposed rule is not likely to have an annual effect on the economy of \$100 million or more or adversely affect the economy. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we concluded that there will be an impact on national security in only 1 area offshore Dania Beach, FL, and will propose to exclude it from the designations.

Timetable:

Action	Date	FR Cite
NPRM	11/27/20	85 FR 76302
NPRM Comment Period End.	01/26/21	
Final Rule	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.

RIN: 0648-BG26

43. Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [0648-BI88]

Legal Authority: 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*

Abstract: NMFS published a proposed rule to amend the North Atlantic Right Whale Vessel Strike Reduction Rule (per 50 CFR 224.105; 87 FR 46921, August 1,

2022). NMFS proposed this action to further reduce the likelihood of mortalities and serious injuries to endangered right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event. The proposed rule would (1) modify the spatial and temporal boundaries of current speed restriction areas, currently referred to as Seasonal Management Areas (SMAs), (2) include most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length in the vessel size class subject to speed restriction, (3) create a Dynamic Speed Zone framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs, and (4) update the speed rule's safety deviation provision. The proposed amendments to current speed regulations reduce vessel strike risk based on a coast wide collision mortality risk assessment and updated information on right whale distribution, vessel traffic patterns, and vessel strike mortality and serious injury events. NMFS solicited public comment on the proposed action and received over 90,000 public comments. The agency plans to take final action on the proposed rule in 2023.

Timetable:

Action	Date	FR Cite
NPRM	08/01/22	87 FR 46921
NPRM Comment Period End.	09/30/22	
NPRM Comment Period Extension.	09/16/22	87 FR 56925
NPRM Comment Period Extension End.	10/31/22	
Final Action	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov. RIN: 0648-BI88

44. Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act [0648-BK04]

Legal Authority: 16 U.S.C. 1382 *et seq.*
Abstract: This rulemaking action under the Marine Mammal Protection Act (MMPA) proposes to establish mandatory time-area closures of Hawaiian spinner dolphins' essential

daytime habitats at five selected sites in the Main Hawaiian Islands (MHI). In considering public comments in response to a separate proposed rule related to spinner dolphin interactions (81 FR 57854), NMFS intends these regulatory measures to prevent take of Hawaiian spinner dolphins from occurring in inshore marine areas at essential daytime habitats, and where high levels of disturbance from human activities are most prevalent.

Timetable:

Action	Date	FR Cite
NPRM	09/28/21	86 FR 53844
NPRM Comment Period End.	12/27/21	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 427-8400, Email: kimberly.damon-randall@noaa.gov.

RIN: 0648-BK04

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

45. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels [0648-BH70]

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

Abstract: The proposed action would propose to implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action would intended to increase operational flexibility and reduce monitoring costs for the fleet.

Timetable:

Action	Date	FR Cite
NPRM	03/01/22	87 FR 11382
NPRM Comment Period End.	03/31/22	
Final Action	10/03/22	87 FR 59705
Final Action Effective.	11/02/22	
Next Action Under-terminated.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Rumsey, Phone: 503 872-2791, Email: scott.rumsey@noaa.gov. RIN: 0648-BH70

46. Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska [0648-BK31]

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

Abstract: This action would modify the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska (FMP) and implement regulations to manage the EEZ waters of Cook Inlet under the FMP and prohibit commercial fishing for salmon in this area. Currently, this area is excluded from the FMP and the State of Alaska manages commercial fishing for salmon in this area. If approved, this action would result in all commercial salmon fishing in Cook Inlet occurring within waters of the State of Alaska under State management plans. The North Pacific Fishery Management Council (Council) determined that this action is consistent with the Council's longstanding policy to facilitate management of salmon fishing by the State of Alaska and that the State is the authority best suited for managing Alaska salmon fisheries given its existing infrastructure and expertise. The Council considered, but did not select, two other action alternatives that would delegate management of the Cook Inlet EEZ to the State of Alaska, or establish Council and NMFS management of the commercial salmon fishery within the area. The Council did not select either of these alternatives because the State of Alaska was unwilling to accept delegation of management authority, and due to the substantial increase in management complexity and cost without corresponding benefits of both alternatives.

Timetable:

Action	Date	FR Cite
NPRM	06/04/21	86 FR 29977
NPRM Comment Period End.	07/06/21	
Final Action	11/03/21	86 FR 60568

Action	Date	FR Cite
Final Action Effective.	12/03/21	
Next Action Under-terminated.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Kurland, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

RIN: 0648-BK31

47. • Atlantic Highly Migratory Species; Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan [0648-BM08]

Legal Authority: 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

Abstract: NMFS is developing a proposed rule for Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) pursuant to Magnuson-Stevens Fishery Conservation and Management Act (MSA) sections 304(c) and (g). The draft Amendment will include a draft environmental impact statement and other required analyses. Based on the mechanism used in establishing shark quotas and related management measures from Amendment 14 to the 2006 Consolidated HMS FMP, Amendment 16 would modify the acceptable biological catch (ABC) and annual catch limits (ACLs) for Atlantic sharks and the process used to account for carryover of underharvests of quotas. In this action, NMFS would also look at all commercial and recreational management measures related to the Atlantic shark fishery and make appropriate revisions. Amendment 16 would affect the bottom longline, gillnet, and pelagic longline fisheries, which fish for sharks throughout the entire range of the fishery (Atlantic Ocean, Gulf of Mexico, and Caribbean Sea).

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.

RIN: 0648-BM08

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

48. Atlantic Highly Migratory Species; Amendment 13 on Bluefin Tuna Management [0648-BI08]

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

Abstract: NOAA/NMFS proposes to revise the management measures for Atlantic bluefin tuna fisheries. Potential management measures could include modifications to pelagic longline and purse seine fisheries as well as other bluefin tuna fisheries, which would increase flexibility for fishery participants.

Timetable:

Action	Date	FR Cite
NPRM	05/21/21	86 FR 27686
NPRM Comment Period End.	07/20/21	
NPRM Comment Period Extended.	07/20/21	86 FR 38262
NPRM Comment Period Extended End.	09/09/21	
Final Action	10/03/22	87 FR 59966
Final Action Effective.	01/01/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.

RIN: 0648-BI08

49. Amendment 23 to the Northeast Multispecies Fishery Management Plan [0648-BK17]

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

Abstract: This action proposes measures recommended by the New England Fishery Management Council in Amendment 23 to the Northeast Multispecies Fishery Management Plan. The Council developed this action to implement measures to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is a precise and accurate representation of catch (landings and discards). The purpose of this action is to adjust the existing industry-funded monitoring program to improve accounting and accuracy of collected catch data. Specifically, this action would set a fixed target coverage rate as a percentage of fishing trips to

replace the current annual method for calculating a coverage target. This action would exclude from the monitoring requirement all trips in geographic areas with low groundfish catch; allow for increased coverage when federal funding is available to reimburse industry's costs; set a baseline coverage target for which there is no reimbursement for industry's costs in the absence of federal funding; approve electronic monitoring technologies as an alternative to human at-sea monitors; require periodic evaluation of the monitoring program; allow for waivers from monitoring for good cause; and grant authority to the Northeast Regional Administrator to streamline industry's reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/22	87 FR 11014
NPRM Comment Period End.	03/30/22	
Final Action	12/09/22	87 FR 75852
Final Action Effective.	01/09/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

RIN: 0648-BK17

50. Revisions to Federal Regulations to Economic Data Reporting Requirements for Groundfish and Crab Fisheries Off Alaska and Amendment 52 to the Fishery Management Plan for BSAI King and Tanner Crabs [0648-BL50]

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

Abstract: In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 52 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and revise Federal regulations to economic data reporting (EDR) requirements for groundfish and crab fisheries off Alaska. If approved by the Secretary of Commerce and implemented by NMFS, this action would remove third party data verification audits and blind formatting requirements for the BSAI crab fisheries EDR, the Bering Sea American Fisheries Act (AFA) pollock fishery Chinook Salmon EDR, and the BSAI Amendment 80 fisheries EDR.

This action would also eliminate the EDR requirements for the Gulf of Alaska (GOA) trawl fisheries. The EDRs provide information for program evaluation and analysis of proposed conservation and management measures. The third party data verification audits and blind formatting provisions require a higher standard of confidentiality for proprietary business information than apply to all other confidential fisheries information. These provisions have proven to reduce the usability of the data for analysis and to increase the cost of the data collection programs without providing additional practical protections. The GOA Trawl EDR program, implemented in 2015, was designed to collect baseline information to assess the impacts of a future catch share program. However, no catch share program for the GOA trawl fleet has been implemented to date. The Council initiated this action to improve the usability, efficiency, and consistency of the data collection programs and minimize cost to industry and the Federal government while still maintaining the integrity and confidentiality of the data collection program. Owners and operators of harvesters and processors in the BSAI crab fisheries, the AFA pollock fishery, the Amendment 80 fisheries, and the GOA trawl fisheries would be affected by this action. Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act is the rulemaking authority.

Timetable:

Action	Date	FR Cite
NPRM	11/01/22	87 FR 65724
NPRM Comment Period End.	12/01/22	
Final Action	02/06/23	88 FR 7586
Final Action Effective.	03/08/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.
RIN: 0648-BL50

51. • Framework Adjustment 36 to the Atlantic Sea Scallop Fishery Management Plan [0648-BL99]

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

Abstract: At its December 2022 meeting the New England Fishery Management Council voted to submit Framework 36 to NOAA's National Marine Fisheries Service (NMFS). Through this rulemaking, NMFS approves and implements the measures included in Framework Adjustment 36 to the Atlantic Sea Scallop Fishery Management Plan as adopted and submitted by the New England Fishery Management Council. Framework 36 establishes scallop specifications and other measures for fishing years 2023 and 2024. Framework 36 implements measures to protect small scallops to support rotational access area trips to the fleet in future years. To promote uniformity in the fishery, this final rule also corrects and clarifies regulatory text that is unnecessary, outdated, or unclear. This action is necessary to prevent overfishing and improve both yield-per-recruit and the overall management of the Atlantic sea scallop resource.

Timetable:

Action	Date	FR Cite
NPRM	03/03/23	88 FR 13408
NPRM Comment Period End.	03/20/23	
Final Action Effective.	03/31/23	
Final Action	04/03/23	88 FR 19559

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.
RIN: 0648-BL99

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)
Proposed Rule Stage

52. Setting and Adjusting Patent Fees [0651-AD64]

Legal Authority: Pub. L. 112-29
Abstract: The United States Patent and Trademark Office (USPTO or Office) takes this action to set and adjust Patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of

operations while helping the Office maintain a sustainable funding model, decrease patent pendency, and improve the reliability of issued patents.

Timetable:

Action	Date	FR Cite
NPRM	01/00/24	
NPRM Comment Period End.	04/00/24	
Final Action	10/00/24	
Final Action Effective.	12/00/24	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, *Phone:* 571 272-8966, *Fax:* 571 273-8966, *Email:* brendan.hourigan@uspto.gov.
RIN: 0651-AD64

53. Setting and Adjusting Trademark Fees [0651-AD65]

Legal Authority: Pub. L. 112-29
Abstract: The United States Patent and Trademark Office (USPTO or Office) takes this action to set and adjust Trademark fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, ensure the integrity of the Trademark register, and promote efficiency of processes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
NPRM Comment Period End.	01/00/24	
Final Action	07/00/24	
Final Action Effective.	09/00/24	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Brendan Hourigan, Director, Office of Planning and Budget, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, *Phone:* 571 272-8966, *Fax:* 571 273-8966, *Email:* brendan.hourigan@uspto.gov.
RIN: 0651-AD65



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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE**32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****48 CFR Ch. II****Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the regulatory actions the Department of Defense (DoD) plans to take in the next 12 months and those regulatory actions completed since the publication of the fall 2022 Unified Agenda. It was developed under the guidelines of Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review." This agenda includes regulatory actions that support the Administration's regulatory priorities, the Secretary of Defense's top priorities to defend the Nation, take care of our people, and succeed through teamwork, as well as those priorities of the National Defense Strategy. These actions include efforts to promote the country's economic resilience; healthcare issues; support underserved communities and improve small business opportunities; promote competition in the American economy; promote diversity, equity, inclusion, and accessibility in the Federal workforce; support national security efforts, especially safeguarding Federal Government information and information technology systems; tackle the climate crisis; and address military family matters. Members of the public may submit comments on individual proposed and interim final rulemakings at www.regulations.gov during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on February 22, 2023, and includes regulations expected to be issued and under review over the next 12 months. The next agenda will publish in the fall of 2023. The complete Unified Agenda will be available online at www.reginfo.gov.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 602), which requires agencies to publish its regulatory flexibility agendas in the **Federal Register**, the Department of Defense's printed agenda entries in the **Federal Register** include only:

(1) rules that are in the Agency's regulatory flexibility agenda, in

accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Although printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements, additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email:

patricia.l.toppings.civ@mail.mil.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, telephone 703-695-1853, or email: gerald.j.dziecichowicz.civ@mail.mil.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: patricia.l.toppings.civ@mail.mil.

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Johnson, telephone 571-372-6100, or write to Office of the Under Secretary of Defense for Acquisition and Sustainment, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060, or email: jennifer.d.johnson1.civ@mail.mil.

For general information on Department of the Army regulations, contact Mr. James "Jay" Satterwhite, telephone 571-515-0304, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS-RDO, Building 1458, 9301 Chapek Road, Ft. Belvoir, VA, 22060-5605, or email: james.w.satterwhite.civ@mail.mil.

For general information on the U.S. Army Corps of Engineers regulations,

contact Ms. Stacey Jensen, telephone 703-459-6026, or write to Office of the Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Room 3E441, Washington, DC 20310-0108, or email: stacey.m.jensen.civ@army.mil.

For general information on Department of the Navy regulations, contact LCDR Abigail Holt, telephone 703-614-6005, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374-5066, or email: abigail.r.holt2.mil@us.navy.mil.

For general information on Department of the Air Force regulations, contact Mr. Robert Bivins, telephone 703-693-7302, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330-1800, or email: usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.

For specific agenda items, contact the appropriate individual indicated for each regulatory action.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions reports on actions planned by the Office of the Secretary of Defense, the Military Departments, the Office of the Under Secretary of Defense for Acquisition and Sustainment for procurement-related actions, and the U.S. Army Corps of Engineers.

This agenda also identifies rules impacted by the:

- a. Regulatory Flexibility Act.
- b. Paperwork Reduction Act of 1995.
- c. Unfunded Mandates Reform Act of 1995.

Generally, rules discussed in this agenda will contain five sections: (1) pre-rule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: May 4, 2023.

Joo Y. Chung,

Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense.

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
54	Cybersecurity Maturity Model Certification (CMMC) Program	0790–AL49

DEFENSE ACQUISITION REGULATIONS COUNCIL—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
55	Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019–D041)	0750–AK81

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
56	TRICARE Reimbursement of Ambulatory Surgery Centers and Outpatient Services Provided in Cancer and Children's Hospitals.	0720–AB73

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
57	TRICARE: Chiropractic and Acupuncture Treatment Under the TRICARE Program	0720–AB77

DEPARTMENT OF DEFENSE (DOD)

RIN: 0790–AL49

Office of the Secretary (OS)

Proposed Rule Stage

54. Cybersecurity Maturity Model Certification (CMMC) Program [0790–AL49]

Legal Authority: 5 U.S.C. 301; Pub. L. 116–92, sec. 1648

Abstract: DOD is proposing to implement the Cybersecurity Maturity Model Certification (CMMC) Framework, to help assess a Defense Industrial Base (DIB) contractor's compliance with and implementation of cybersecurity requirements to safeguard Federal Contract Information (FCI) and Controlled Unclassified Information (CUI) transiting non-federal systems and mitigate the threats posed by Advanced Persistent Threats—adversaries with sophisticated levels of expertise and significant resources.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane L. Knight, Senior Management and Program Analyst, Department of Defense, Office of the Secretary, 4800 Mark Center Drive, Suite 12E08, Alexandria, VA 22350, Phone: 202 770–9100, Email: diane.l.knight10.civ@mail.mil.

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Proposed Rule Stage

55. Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019–D041) [0750–AK81]

Legal Authority: 41 U.S.C. 1303; Pub. L. 116–92, sec. 1648

Abstract: DoD is amending an interim rule to implement the CMMC framework 2.0 in order to protect against the theft of intellectual property and sensitive information from the Defense Industrial Base (DIB) sector. The CMMC framework is a DoD certification process that measures a company's institutionalization of processes and implementation of cybersecurity practices. This rule provides the Department with assurances that a DIB contractor can adequately protect sensitive unclassified information at a level commensurate with the risk, accounting for information flow down to its subcontractors in a multi-tier supply chain.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/29/20	85 FR 48513
Interim Final Rule Effective.	11/30/20	
NPRM	09/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer D. Johnson, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, Defense Acquisition Regulations Council, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B938, 3060 Pentagon, Washington, DC 20301–3060, Phone: 703 717–8226, Email: jennifer.d.johnson1.civ@mail.mil. RIN: 0750–AK81

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Final Rule Stage

56. TRICARE Reimbursement of Ambulatory Surgery Centers and Outpatient Services Provided in Cancer and Children's Hospitals [0720–AB73]

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch. 55

Abstract: The Department of Defense, Defense Health Agency, is revising its regulation on the reimbursement of ambulatory surgery centers (ASC) and

outpatient services provided in Cancer and Children’s Hospitals (CCHs). Revisions are in accordance with the statutory provision at section 1079(i)(2) of title 10 of the United States Code, that requires TRICARE’s payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare. In accordance with this requirement, TRICARE will: (1) adopt Medicare’s payment methodology for Ambulatory Surgery Centers (ASC) and (2) adopt Medicare’s payment methodology for outpatient services provided in Cancer and Children’s Hospitals (CCHs). Although Medicare’s reimbursement methods for ASC and CCHs are different, it is prudent to adopt both the Medicare ASC system and to adopt the Outpatient Prospective Payment System with hold-harmless adjustments (meaning the provider is not reimbursed less than their costs) for CCHs simultaneously to align with our statutory requirement to reimburse like Medicare at the same time. This rule makes the modifications necessary to implement TRICARE reimbursement methodologies similar to those applicable to Medicare beneficiaries for outpatient services rendered in ASCs and CCHs.

Timetable:

Action	Date	FR Cite
NPRM	11/29/19	84 FR 65718
NPRM Comment Period End.	01/28/20	
Final Action	04/04/23	88 FR 19844
Final Action; Correction.	04/27/23	88 FR 25492
Final Action Effective.	10/01/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jahanbakhsh Badshan, Department of Defense, Office of Assistant Secretary for Health Affairs, 16401 East Centretex Parkway, Aurora, CO 80011, Phone: 303 676–3881, Email: jahanbakhsh.badshah.civ@health.mil. RIN: 0720–AB73

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Completed Actions

57. TRICARE: Chiropractic and Acupuncture Treatment Under the TRICARE Program [0720–AB77]

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch. 55
Abstract: Under the current regulations, TRICARE excludes chiropractors as TRICARE-authorized providers whether or not their services would be eligible as medically

necessary care if furnished by any other authorized provider. In addition, the current regulation excludes acupuncture treatment whether used as a therapeutic agent or as an anesthetic. This proposed rule seeks to eliminate these exclusions and to add benefit coverage of chiropractic and acupuncture treatment when deemed medically necessary for specific conditions. This rule proposes to add licensed Doctors of Chiropractic (DCs) and Licensed Acupuncturists (LACs) who meet established qualifications as TRICARE-authorized providers and will establish reimbursement rates and cost-sharing provisions for covered chiropractic and acupuncture treatment.

Timetable:

Action	Date	FR Cite
Withdrawn	04/25/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Erica Ferron, Defense Health Agency, Medical Benefits and Reimbursement Division, Department of Defense, Office of Assistant Secretary for Health Affairs, 16401 E Centretex Parkway, Aurora, CO 80011–9066, Phone: 303 676–3626, Email: erica.c.ferron.civ@health.mil. RIN: 0720–AB77



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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.
ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, “Regulatory Planning and Review.” The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist, Levon Schlichter, Attorney, or Lynn Mahaffie, Assistant General Counsel, Division of Regulatory Services, Department of Education, Room 6C128, 400 Maryland Avenue SW, Washington, DC 20202–2241; telephone: LaTanya Cannady (202) 401–9676, Levon Schlichter (202) 453–6387, or Lynn Mahaffie (202) 453–7862. Individuals who are deaf, hard of hearing, or have a speech disability and

wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in the Spring and Fall of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive Order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED’s Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services it provides to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, and least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document: The entire Unified Agenda is published electronically and is available online at www.reginfo.gov.

Elizabeth Brown,
General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
58	Gainful Employment	1840–AD57
59	Factors of Financial Responsibility (Section 610 Review)	1840–AD64

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

58. Gainful Employment [1840–AD57]

Legal Authority: 20 U.S.C. 1001; 20 U.S.C. 1002; 20 U.S.C. 1003; 20 U.S.C. 1088; 20 U.S.C. 1091; 20 U.S.C. 1094; 20 U.S.C. 1099(b); 20 U.S.C. 1099(c); 20 U.S.C. 1082; . . .

Abstract: The Secretary plans to propose to amend 34 CFR parts 668 and 600 on institution and program

eligibility under the HEA, including regulations that determine whether postsecondary educational programs prepare students for gainful employment in recognized occupations, and the conditions under which institutions and programs remain eligible for student financial assistance programs under Title IV of the HEA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	05/26/21	86 FR 28299
NPRM	05/19/23	88 FR 32300
NPRM Comment Period End.	06/20/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Gregory Martin, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 2C136, Washington,

DC 20202, *Phone:* 202 453–7535, *Email:* gregory.martin@ed.gov.

RIN: 1840–AD57

**59. Factors of Financial Responsibility
(Section 610 Review) [1840–AD64]**

Legal Authority: 20 U.S.C. 1094 and 1099c; sec. 4 of Pub. L. 95–452; 92 Stat. 1101–1109

Abstract: The Secretary plans to amend regulations in subpart L of 34 CFR part 668 on institution and program eligibility under the HEA, including regulations associated with the

standards of financial responsibility an institution must maintain in order to be eligible to participate in programs under title IV of the HEA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	05/26/21	86 FR 28299
NPRM	05/19/23	88 FR 32300
NPRM Comment Period End.	06/20/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gregory Martin, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 2C136, Washington, DC 20202, *Phone:* 202 453–7535, *Email:* gregory.martin@ed.gov.

RIN: 1840–AD64

[FR Doc. 2023–14542 Filed 7–26–23; 8:45 am]

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY
10 CFR Chs. II, III, and X
48 CFR Ch. 9
Unified Agenda of Federal Regulatory and Deregulatory Actions
AGENCY: Department of Energy.
ACTION: Semiannual Regulatory Agenda.
SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda)

pursuant to Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility Act.
SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy’s portion of the Agenda includes regulatory actions called for by the Energy Policy and Conservation Act, as

amended, and programmatic needs of DOE offices.
The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE’s Spring 2023 Agenda can be accessed online by going to www.reginfo.gov.
DOE’s regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.
Samuel Walsh,
General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
60	Energy Conservation Standards for Residential Conventional Cooking Products	1904–AD15
61	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20
62	Energy Conservation Standards for Commercial Water Heating-Equipment	1904–AD34
63	Energy Conservation Standards for Consumer Clothes Washers	1904–AD98
64	Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters	1904–AE77

ENERGY EFFICIENCY AND RENEWABLE ENERGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
65	Energy Conservation Standards for Miscellaneous Residential Refrigeration	1904–AF00

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
66	Energy Conservation Program: Energy Conservation Standards for Manufactured Housing	1904–AF53

DEPARTMENTAL AND OTHERS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
67	Statutory Updates to the Advanced Technology Vehicles Manufacturing Incentive Program	1901–AB60

DEPARTMENT OF ENERGY (DOE)
Energy Efficiency and Renewable Energy (EE)
Final Rule Stage
60. Energy Conservation Standards for Residential Conventional Cooking Products [1904–AD15]
Legal Authority: 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292 (a)(10); 42 U.S.C. 6295(h)
Abstract: The Energy Policy and Conservation Act (EPCA), as amended by Energy Independence and Security Act of 2007 (EISA), prescribes energy conservation standards for various consumer products, including consumer conventional cooking products. EPCA

also requires the U.S. Department of Energy (DOE) to periodically determine whether more stringent standards would be technologically feasible and economically justified and would result in a significant conservation of energy. In this rulemaking, DOE proposes new and amended energy conservation standards for consumer conventional cooking products and tentatively concludes that the proposed standards represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy.
Timetable:

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	

Action	Date	FR Cite
Supplemental NPRM (SNPRM).	09/02/16	81 FR 60784
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	
Notice of Proposed Determination and Request for Comment.	12/14/20	85 FR 80982
Notice of Proposed Determination Comment Period End.	03/01/21	
Supplemental NPRM.	02/01/23	88 FR 6818
Supplemental NPRM; Correction.	02/28/23	88 FR 12603
Supplemental NPRM; Extension of Public Comment Period.	03/30/23	88 FR 19122
Supplemental NPRM; Extension of Public Comment Period End.	04/17/23	
Notification of Data Availability (NODA).	02/28/23	88 FR 12603
NODA Comment Period End.	04/03/23	
Final Action	01/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20585, *Phone:* 202 287-1943, *Email:* stephanie.johnson@ee.doe.gov.
RIN: 1904-AD15

61. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces [1904-AD20]

Legal Authority: 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)

Abstract: The Energy Policy and Conservation Act, as amended, (EPCA) prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including the residential furnaces which are the subject of this rulemaking. (42 U.S.C. 6292(a)(5)) EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent

amended standards would be technologically feasible and economically justified and would save a significant amount of energy (42 U.S.C. 6295(o)(2)(A) and (3)(B)). EPCA specifically provides that DOE must conduct two rounds of energy conservation standards rulemakings for the residential furnaces at issue (42 U.S.C. 6295(f)(4)(B) and (C)), and the statute also requires that not later than six years after issuance of any final rule establishing or amending a standard, DOE must publish either a notice of determination that standards for the product does not need to be amended, or a notice of proposed rulemaking (NOPR) including new proposed energy conservation standards (42 U.S.C. 6295(m)(1)). This rulemaking is being undertaken pursuant to the statutorily-required second round of rulemaking for non-weatherized gas furnaces (NWGFs) and mobile home gas furnaces (MHGFs), and once completed, it will also satisfy the statutorily-required six-year-lookback review. In the July 7, 2022 NOPR, DOE proposes amended and new energy conservation standards for NWGFs and MHGFs pursuant to a court-ordered remand of DOE's 2011 rulemaking for these products and other statutory requirements. 87 FR 40590. Specifically, the NOPR proposes amended active mode annual fuel utilization efficiency (AFUE) standards at 95 percent for both NWGFs and MHGFs. It also proposes amended standby mode and off mode standards (in watts) at 8.5 watts for both NWGFs and MHGFs. If finalized, the proposed standards would apply to all NWGFs and MHGFs manufactured in, or imported into, the United States starting on the date five years after the publication of the final rule for this rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	
NODA Comment Period Re-opened.	10/23/15	80 FR 64370

Action	Date	FR Cite
NODA Comment Period Re-opened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Re-opened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Notice of NPRM Withdrawal.	01/15/21	86 FR 3873
NPRM	07/07/22	87 FR 40590
NPRM Comment Period Extended, NODA and Notice of Public Meeting.	08/30/22	87 FR 52861
NPRM Comment Period Extended End.	10/06/22	
Final Action	09/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597-6737, *Email:* julia.hegarty@ee.doe.gov.
RIN: 1904-AD20

62. Energy Conservation Standards for Commercial Water Heating-Equipment [1904-AD34]

Legal Authority: 42 U.S.C.

6313(a)(6)(C)(i) and (vi)

Abstract: The U.S. Department of Energy (DOE) is undertaking a rulemaking to amend energy conservation standards for commercial water heaters. Once completed, this rulemaking will fulfill DOE's statutory obligation under the Energy Policy and Conservation Act, as amended, (EPCA) to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers (CWHs), or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified. DOE proposed to amend the standards for certain classes of CWH equipment for which DOE has

tentatively determined there is clear and convincing evidence to support more-stringent standards. Additionally, DOE has proposed to codify standards for electric instantaneous CWH equipment from EPCA into the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Re-opened.	08/05/16	81 FR 51812
NPRM Comment Period Re-opened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Notice of NPRM Withdrawal.	01/15/21	86 FR 3873
NPRM	05/19/22	87 FR 30610
NPRM Comment Period End.	07/18/22	
NPRM Comment Period Re-opened.	07/20/22	87 FR 43226
NPRM Comment Period Re-opened End.	08/01/22	
Final Action	07/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597-6737, *Email:* julia.hegarty@ee.doe.gov.
RIN: 1904-AD34

63. Energy Conservation Standards for Consumer Clothes Washers [1904-AD98]

Legal Authority: 42 U.S.C. 6295(g); 42 U.S.C. 6295(m)

Abstract: Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is examining whether to amend the current energy conservation standards for consumer clothes washers found at 10 CFR 430.32(g). To this end, DOE must determine whether standards more stringent than those currently in place would result in a significant amount of energy savings and whether such amended standards would be technologically feasible and economically justified. DOE has tentatively proposed standards that

represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. Specifically, with regards to technological feasibility, products achieving these standard levels are already commercially available for all product classes covered by this proposal. As for economic justification, DOE's analysis shows that the benefits of the proposed standard exceed the burdens. Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose amended standards for this product or determine that the standards do not need to be amended.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	08/02/19	84 FR 37794
RFI Comment Period Extended.	08/26/19	84 FR 44557
RFI Comment Period Extended End.	10/03/19	
RFI Comment Period Reopened.	10/03/19	84 FR 52818
RFI Comment Period Reopened End.	10/17/19	
Preliminary Analysis and Notice of Webinar.	09/29/21	86 FR 53886
Preliminary Analysis Comment Period Extended.	10/29/21	86 FR 59889
Preliminary Analysis Comment Period Extended End.	01/27/22	
Notice of Data Availability (NODA).	04/13/22	87 FR 21816
NODA Comment Period End.	05/13/22	
NODA Comment Period Re-opened.	05/19/22	87 FR 30433
NODA Comment Period Re-opened End.	05/27/22	
NPRM	03/03/23	88 FR 13520
NPRM Comment Period Extended.	05/01/23	88 FR 26511
NPRM Comment Period Extended End.	05/17/23	
Final Action	12/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Bryan D. Berringer, Building Technologies Office, EE-5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington,

DC 20585, *Phone:* 202 586-0371, *Email:* bryan.berringer@ee.doe.gov.

RIN: 1904-AD98

64. Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters [1904-AE77]

Legal Authority: 42 U.S.C. 6293(b)(1)(A); 42 U.S.C. 6314(a)(1)

Abstract: Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is examining whether to amend the current test procedure for consumer water heaters and certain commercial water heaters found at 10 CFR 430, subpart B, appendix E and 10 CFR 431.106. As a result of this effort, DOE may propose and amend the test procedures for this product/equipment, or issue a determination that no amendments to the current test procedures are required.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/16/20	85 FR 21104
RFI Comment Period End.	06/01/20	
RFI Comment Period Reopened.	06/10/20	85 FR 35382
RFI Comment Period Reopened End.	06/24/20	
NPRM	01/11/22	87 FR 1554
NPRM; Correction	01/19/22	87 FR 2731
NPRM Comment Period End.	03/14/22	
Supplemental NPRM.	07/14/22	87 FR 42270
Supplemental NPRM Comment Period End.	08/04/22	
Final Action	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597-6737, *Email:* julia.hegarty@ee.doe.gov.
RIN: 1904-AE77

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

65. Energy Conservation Standards for Miscellaneous Residential Refrigeration [1904-AF00]

Legal Authority: 42 U.S.C. 6292(a)(20); 42 U.S.C. 6295(l); 42 U.S.C. 6295(m)

Abstract: The U.S. Department of Energy (DOE) has initiated an effort to consider amending the energy conservation standards for miscellaneous residential refrigeration (e.g., wine coolers and certain other combination consumer refrigeration products). Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose amended energy conservation standards for these products or determine that the existing standards do not need to be amended. To this end, DOE must determine whether national standards more stringent than those currently in place would result in a significant amount of energy savings and whether such amended national standards would be technologically feasible and economically justified.

In the notice of proposed rulemaking, DOE proposed standards that represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. Specifically, with regards to technological feasibility products achieving these standard levels are already commercially available for all product classes covered by this proposal. As for economic justification, DOE's analysis shows that the benefits of the proposed standard exceed, to a great extent, the burdens of the proposed standards.

Timetable:

Action	Date	FR Cite
Request for Information (RFI); Early Assessment Review.	12/08/20	85 FR 78964
Comment Period End.	02/22/21	
Notification of Webinar and Availability of Preliminary Technical Support Document.	01/21/22	87 FR 3229
Notice of rescheduled public meeting to March 7, 2022.	02/09/22	87 FR 7396

Action	Date	FR Cite
Preliminary Analysis Comment Period End.	03/22/22	
NPRM	03/31/23	88 FR 19382
NPRM Comment Period End.	05/30/23	
Final Rule	07/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Stephanie Johnson,
Phone: 202 287-1943, Email:
stephanie.johnson@ee.doe.gov.
RIN: 1904-AF00

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

66. • Energy Conservation Program: Energy Conservation Standards for Manufactured Housing [1904-AF53]

Legal Authority: 42 U.S.C. 17071
Abstract: The Department of Energy (DOE) is publishing a final rule to amend the compliance date for its manufactured housing energy conservation standards. Currently, manufacturers must comply with these standards on and after May 31, 2023. This final rule delays compliance until July 1, 2025, for Tier 2 homes, and until 60 days after issuance of enforcement procedures for Tier 1 homes. DOE is delaying the compliance date to allow DOE more time to establish enforcement procedures that provide clarity for manufacturers and other stakeholders regarding DOE's expectations of manufacturers and DOE's plans for enforcing the standards. The proposed rule was inadvertently published under the incorrect RIN 1904-AC11.

Timetable:

Action	Date	FR Cite
NPRM	03/24/23	88 FR 17745
NPRM Comment Period End.	04/24/23	
Final Action	05/30/23	88 FR 34411
Final Action Effective.	05/30/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Ring,
Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, Phone: 202 586-2555, Email: matthew.ring@hq.doe.gov.
RIN: 1904-AF53

DEPARTMENT OF ENERGY (DOE)

Departmental and Others (ENDEP)

Final Rule Stage

67. • Statutory Updates to the Advanced Technology Vehicles Manufacturing Incentive Program [1901-AB60]

Legal Authority: 42 U.S.C. 17013(d); 42 U.S.C. 17013(e)

Abstract: The U.S. Department of Energy (DOE) Loan Programs Office (LPO) intends to issue a direct final rule to amend the regulations applicable to the Advanced Technology Vehicles Manufacturing (ATVM) Loan Program authorized by section 136 of the Energy Independence and Security Act of 2007, as amended (42 U.S.C. 17013) to allow parties to apply for direct loans in connection with certain categories projects made eligible for such loans by the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act. Relatedly, LPO is also pursuing another rulemaking effort via 1901-AB55 to address additional changes for the ATVM Loan Program.

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Rebecca Limmer,
Chief Counsel, Department of Energy,
1000 Independence Avenue SW,
Washington, DC 20585, Phone: 202 586-1174, Email: rebecca.limmer@hq.doe.gov.

RIN: 1901-AB60

[FR Doc. 2023-14543 Filed 7-26-23; 8:45 am]

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary****21 CFR Ch. I****25 CFR Ch. V****42 CFR Chs. I–V****45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII****Regulatory Agenda****AGENCY:** Office of the Secretary, HHS.**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

FOR FURTHER INFORMATION CONTACT:

Elizabeth J. Gramling, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal government's lead agency for protecting the health of all Americans and providing essential human services. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. The purpose of the Agenda is to encourage more effective public participation in the regulatory process. The regulatory

actions forecasted in this Agenda reflect the priorities of HHS Secretary Xavier Becerra and the Biden-Harris Administration. Accordingly, this Agenda contains rulemakings aimed at tackling the coronavirus disease 2019 (COVID–19) pandemic, building and expanding access to affordable, quality health care, addressing health disparities and promoting equity, and boosting the mental health and wellbeing of children and families, among other policy priorities.

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at <http://www.RegInfo.gov>.

Elizabeth J. Gramling,
HHS Executive Secretary.

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
68	Limiting the Effect of Exclusions Implemented Under the Social Security Act (Rulemaking Resulting From a Section 610 Review).	0991–AC11

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
69	Medications for the Treatment of Opioid Use Disorder	0930–AA39

CENTERS FOR DISEASE CONTROL AND PREVENTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
70	Control of Communicable Diseases; Foreign Quarantine	0920–AA75

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
71	Medication Guide; Patient Medication Information	0910–AH68
72	Requirements for Tobacco Product Manufacturing Practice	0910–AH91
73	Administrative Detention of Tobacco Products	0910–AI05
74	Conduct of Analytical and Clinical Pharmacology, Bioavailability, and Bioequivalence Studies	0910–AI57
75	Amendments to the Final Rule Regarding the List of Bulk Substances That Can Be Used to Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review).	0910–AI70
76	Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review).	0910–AI71
77	Tobacco Product Standard for Nicotine Level of Certain Tobacco Products	0910–AI76
78	Registration of Commercial Importers of Drugs; Good Importing Practice	0910–AI87

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
79	Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format.	0910–AG27
80	Sunlamp Products; Amendment to the Performance Standard	0910–AG30
81	General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products	0910–AH14
82	Amendments to the List of Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act.	0910–AH81
83	Nutrient Content Claims, Definition of Term: Healthy	0910–AI13
84	Revocation of Uses of Partially Hydrogenated Oils in Foods	0910–AI15
85	Tobacco Product Standard for Characterizing Flavors in Cigars	0910–AI28
86	Tobacco Product Standard for Menthol in Cigarettes	0910–AI60

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
87	National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers ..	0910–AH11
88	Nicotine Toxicity Warnings	0910–AH24
89	Certain Requirements Regarding Prescription Drug Marketing (203 Amendment)	0910–AH56
90	Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products.	0910–AI61

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
91	Mammography Quality Standards Act	0910–AH04

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
92	FY 2024 Skilled Nursing Facility (SNFs) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS–1779) (Section 610 Review).	0938–AV02
93	CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1784) (Section 610 Review).	0938–AV07
94	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2024 Rates (CMS–1785) (Section 610 Review).	0938–AV08
95	CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1786) (Section 610 Review).	0938–AV09

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
96	FY 2024 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS–1787) (Section 610 Review).	0938–AV10

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
97	Medicare Advantage and Medicare Prescription Drug Benefit Program Payment Policy (CMS–4198)	0938–AU59
98	Omnibus COVID–19 Health Care Staff Vaccination (CMS–3415) (Section 610 Review)	0938–AU75

ADMINISTRATION FOR CHILDREN AND FAMILIES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
99	Supporting the Head Start Workforce and Other Quality Improvements	0970–AD01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Proposed Rule Stage

68. Limiting the Effect of Exclusions Implemented Under the Social Security Act (Rulemaking Resulting From a Section 610 Review) [0991–AC11]

Legal Authority: 5 U.S.C. 301; 31 U.S.C. 6101

Abstract: HHS proposes to remove the regulatory provisions at issue, in order to align the regulation with the intent of the Social Security Act and current practice. Exclusions implemented under the Social Security Act prevent individuals convicted of certain crimes or individuals whose health care licenses have been revoked from participating in federal healthcare programs. Instead of only being barred from participating in all federal healthcare programs, certain regulatory provisions have resulted in these type of exclusion actions being given an overly broad government-wide effect, and excluded parties have been barred from participating in all Federal procurement and non-procurement actions. However, because Social Security Act exclusions are not issued under an agency’s suspension and debarment authority, they do not stop individuals from participating in all federal procurement and non-procurement actions. For an agency to bar individuals from participating in all procurement and non-procurement activities, it must exercise its suspension and debarment authority under the Federal Acquisition Regulation or the Nonprocurement Common Rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Tiffani Redding, Program Analyst, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW, Washington, DC 20201, *Phone:* 202 768–0628, *Email:* tiffani.redding@hhs.gov.

RIN: 0991–AC11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Final Rule Stage

69. Medications for the Treatment of Opioid Use Disorder [0930–AA39]

Legal Authority: 21 U.S.C. 823(g)(1)

Abstract: The Substance Abuse and Mental Health Services Administration (SAMHSA) will revise 42 CFR part 8 to make permanent some regulatory flexibilities for Opioid Treatment Programs (OTPs) granted under the COVID–19 Public Health Emergency (PHE), and to expand access to care for people with Opioid Use Disorder (OUD). Specifically, SAMHSA will propose making permanent those flexibilities pertaining to unsupervised doses of methadone and also initiation of buprenorphine via telemedicine. To expand access to care, SAMHSA will also review admission criteria, particularly rules that may limit timely access to treatment in an OTP. To achieve this, sections of 42 CFR part 8 will require updating. SAMHSA’s changes will impact roughly 1900 opioid treatment programs and state opioid treatment authorities.

In response to the Consolidated Appropriations Act of 2023, which removed the requirement to obtain a waiver in order to prescribe certain schedule III–V medications for the treatment of OUD, SAMHSA issued a supplemental notice of proposed rulemaking on Feb. 13, 2023, (88 FR 9221) calling for additional public comment on SAMHSA’s plans to remove reference to the Drug Addiction Treatment Act of 2000 (DATA 2000–Waiver) from 42 CFR part 8.

Timetable:

Action	Date	FR Cite
NPRM	12/16/22	87 FR 77330
Supplemental NPRM.	02/13/23	88 FR 9221
NPRM Comment Period End.	02/14/23	
Supplemental NPRM Comment Period End.	03/14/23	
Final Action	01/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dr. Neeraj Gandotra, Chief Medical Officer, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 18E67, Rockville, MD 20857, *Phone:* 202 823–1816, *Email:* neeraj.gandotra@samhsa.hhs.gov.

RIN: 0930–AA39

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Final Rule Stage

70. Control of Communicable Diseases; Foreign Quarantine [0920–AA75]

Legal Authority: 42 U.S.C. 264; 42 U.S.C. 265

Abstract: This rulemaking amends current regulation to enable CDC to require airlines to collect and provide to CDC certain data elements regarding passengers and crew arriving from foreign countries under certain circumstances.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective.	02/07/20	85 FR 7874
Interim Final Rule Comment Period End.	02/12/20 03/13/20	
Final Action	05/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Ashley C. Altenburger JD, Regulatory Analyst, Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS: H 16–4, Atlanta, GA 30307, *Phone:* 800 232–4636, *Email:* dgmppolicyoffice@cdc.gov.

RIN: 0920–AA75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)*Food and Drug Administration (FDA)*

Proposed Rule Stage

71. Medication Guide; Patient Medication Information [0910-AH68]

Legal Authority: 21 U.S.C. 321 *et seq.*; 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

Abstract: The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, namely Patient Medication Information, for submission to and review by FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for the development and distribution of Patient Medication Information. The proposed rule would require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

Timetable:

Action	Date	FR Cite
NPRM	05/31/23	88 FR 35694
NPRM Comment Period End.	11/27/23	

*Regulatory Flexibility Analysis**Required:* Yes.

Agency Contact: Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796-0151, *Email:* chris.wheeler@fda.hhs.gov.
RIN: 0910-AH68

72. Requirements for Tobacco Product Manufacturing Practice [0910-AH91]

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381(a); 21 U.S.C. 387b; 21 U.S.C. 387c; 21 U.S.C. 387f; 21 U.S.C. 387i; . . .

Abstract: The rule is proposing to establish tobacco product manufacturing practice (TPMP) requirements for manufacturers of finished and bulk tobacco products. This proposed rule, if finalized, would set forth requirements for the manufacture, pre-production design validation, packing, and storage of a tobacco product. This proposal would help prevent the manufacture and distribution of contaminated and otherwise nonconforming tobacco

products. This proposed rule provides manufacturers with flexibility in the manner in which they comply with the proposed requirements while giving FDA the ability to enforce regulatory requirements, thus helping to assure the protection of public health.

Timetable:

Action	Date	FR Cite
NPRM	03/10/23	88 FR 15174
NPRM Comment Period End.	09/06/23	

*Regulatory Flexibility Analysis**Required:* Yes.

Agency Contact: Matthew Brenner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.
RIN: 0910-AH91

73. Administrative Detention of Tobacco Products [0910-AI05]

Legal Authority: 21 U.S.C. 334; 21 U.S.C. 371

Abstract: FDA is proposing a regulation to establish requirements for the administrative detention of tobacco products. This proposed rule, when finalized, would allow FDA to administratively detain tobacco products encountered during inspections of manufacturers or other establishments that manufacture, process, pack, or hold tobacco products that an authorized FDA representative conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of tobacco products encountered during inspections that are believed to be adulterated or misbranded until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate legal action.

Timetable:

Action	Date	FR Cite
NPRM	02/00/24	

*Regulatory Flexibility Analysis**Required:* Yes.

Agency Contact: Quynh Nguyen, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver

Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

Laura Chilaka, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.
RIN: 0910-AI05

74. Conduct of Analytical and Clinical Pharmacology, Bioavailability, and Bioequivalence Studies [0910-AI57]

Legal Authority: 21 U.S.C. 355; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262

Abstract: FDA is proposing to amend 21 CFR 320, in certain parts, and establish a new 21 CFR 321 to clarify FDA's study conduct expectations for clinical pharmacology, and clinical and analytical bioavailability (BA) and bioequivalence (BE) studies that support marketing applications for human drug and biological products. The proposed rule would specify needed basic study conduct requirements to enable FDA to ensure those studies are conducted appropriately and to verify the reliability of study data from those studies. This regulation would align with FDA's other good practice regulations, would also be consistent with current industry best practices, and would harmonize the regulations more closely with related international regulatory expectations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/24	

*Regulatory Flexibility Analysis**Required:* Yes.

Agency Contact: Brian Joseph Folan, Supervisory Biologist, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5215, Silver Spring, MD 20993-0002, *Phone:* 240 402-4089, *Email:* brian.folan@fda.hhs.gov.
RIN: 0910-AI57

75. Amendments to the Final Rule Regarding the List of Bulk Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review) [0910-AI70]

Legal Authority: 21 U.S.C. 353a; 21 U.S.C. 351; 21 U.S.C. 371(a); 21 U.S.C. 352; 21 U.S.C. 355

Abstract: FDA has issued a regulation creating a list of bulk drug substances

(active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act, although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drug products (the 503A Bulks List). The proposed rule will identify certain bulk drug substances that FDA has considered and is proposing to place on the 503A Bulks List and certain bulk drug substances that FDA has considered and is proposing not to include on the 503A Bulks List.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosilend Lawson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5197, Silver Spring, MD 20993, Phone: 240 402-6223, Email: rosilend.lawson@fda.hhs.gov.

RIN: 0910-AI70

76. Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review) [0910-AI71]

Legal Authority: 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 353a-1; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: The Food and Drug Administration is proposing rulemaking regarding statutory requirements under section 503A of the Federal Food, Drug, and Cosmetic Act for certain distributions of compounded human drug products. The proposed rule, if finalized, will include provisions regarding a standard memorandum of understanding (MOU) that describes the responsibilities of a State Board of Pharmacy or other appropriate State agency that chooses to sign the standard MOU in investigating complaints related to drug products compounded in such State and distributed outside such State and in addressing the interstate distribution of inordinate amounts of compounded human drug products. It will also, if finalized, include provisions regarding the statutory 5 percent limit on distribution of compounded human drug products out of the State in which they are compounded in States that do not sign the standard MOU. The rule, will also, if finalized, address

communication with State boards of pharmacy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dominic Markwordt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 5104, Silver Spring, MD 20993, Phone: 301 796-9349, Email: dominic.markwordt@fda.hhs.gov.

RIN: 0910-AI71

77. Tobacco Product Standard for Nicotine Level of Certain Tobacco Products [0910-AI76]

Legal Authority: 21 U.S.C. 387g

Abstract: The proposed rule is a tobacco product standard that would establish a maximum nicotine level in cigarettes and certain other finished tobacco products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Courtney Smith, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 877 287-1373, Fax: 877 287-1426, Email: ctpregulations@fda.hhs.gov.

RIN: 0910-AI76

78. • Registration of Commercial Importers of Drugs; Good Importing Practice [0910-AI87]

Legal Authority: Sec. 714 of the Food and Drug Administration Safety and Innovation Act (FDASIA) of July 2012

Abstract: This proposed rulemaking meets the mandate of section 714 of the Food and Drug Administration Safety and Innovation Act and will establish registration and good importing practice requirements for commercial importers of drugs. Although manufacturers are subject to regulatory requirements to ensure such quality standards are met, there are few clear responsibilities for commercial importers of drugs to do the same.

Cost estimates of the rule include reading and understanding the rule,

registering as a commercial importer through the Food and Drug Administration's (FDA) electronic importer registration system, annual updating of registration, establishing a quality management system, conducting risk evaluations of drugs and suppliers, shipment verifications, investigations, corrective actions, and records maintenance.

The unquantified benefits of the proposed rule include improvement in the safety of finished drugs allowed to enter the United States from the commercial drug importer's requirement to register with FDA and for increased due diligence required by the importer regarding the safety of the drugs. There would also be cost savings to both FDA and industry from facilitating the review of documentation that ensures compliance with our regulations prior to being allowed to enter the United States. This proposed rulemaking will also enhance FDA's ability to collect and analyze data to enable risk-informed decision-making while focusing on protecting the integrity of the global drug supply chain and ensuring safety, effectiveness, and quality of imported drugs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Hanratty, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, WO 75, Rm. 1607A, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 240 402-4718, Email: james.hanratty@fda.hhs.gov.

RIN: 0910-AI87

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

79. Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format [0910-AG27]

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 371; . . .

Abstract: The Food and Drug Administration (FDA) is amending its regulations concerning direct-to-consumer (DTC) advertisements of

prescription drugs. Prescription drug advertisements presented through media such as TV and radio must disclose the product's major side effects and contraindications in what is sometimes called the major statement. The rule would revise the regulation to reflect the statutory requirement that in DTC advertisements for human prescription drugs presented in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications of the advertised drug must be presented in a clear, conspicuous, and neutral manner. This rule also establishes standards for determining whether the major statement in these advertisements is presented in the manner required.

Timetable:

Action	Date	FR Cite
NPRM	03/29/10	75 FR 15376
NPRM Comment Period End.	06/28/10	
NPRM Comment Period Re-opened.	01/27/12	77 FR 4273
NPRM Comment Period End.	02/27/12	
NPRM Comment Period Re-opened.	03/29/12	77 FR 16973
NPRM Comment Period Re-opened End.	04/09/12	
Final Rule	07/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Suzanna Boyle, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 51, Room 3214, Silver Spring, MD 20993, *Phone:* 240 402-4723, *Email:* suzanna.boyle@fda.hhs.gov

RIN: 0910-AG27

80. Sunlamp Products; Amendment to the Performance Standard [0910-AG30]

Legal Authority: 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

Abstract: FDA is updating the performance standard for sunlamp products and ultraviolet lamps intended for use in these products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international

committees, thereby also saving resources.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796-5678, *Email:* ian.ostermiller@fda.hhs.gov

RIN: 0910-AG30

81. General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products [0910-AH14]

Legal Authority: 21 U.S.C. 360j(e)
Abstract: This rule will apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.

Timetable:

Action	Date	FR Cite
NPRM	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Schieffer, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 10903 New Hampshire Avenue, WO 75, Room 7613, Silver Spring, MD 20993, *Phone:* 301 796-3350, *Email:* daniel.schieffer@fda.hhs.gov

RIN: 0910-AH14

82. Amendments to the List of Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act [0910-AH81]

Legal Authority: 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: FDA has issued a regulation creating a list of bulk drug substances (active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act), although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drugs (the 503A Bulks List). FDA has proposed to amend the 503A Bulks List by placing additional bulk drug substances on the list. FDA has also identified bulk drug substances that FDA has considered and proposed not to include on the 503A Bulks List. Additional substances nominated by the public for inclusion on this list are currently under consideration and will be the subject of future rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/05/19	84 FR 46688
NPRM Comment Period End.	12/04/19	
Final Rule	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosilend Lawson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5197, Silver Spring, MD 20993, *Phone:* 240 402-6223, *Email:* rosilend.lawson@fda.hhs.gov

RIN: 0910-AH81

83. Nutrient Content Claims, Definition of Term: Healthy [0910-AI13]

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: The proposed rule would update the definition for the implied nutrient content claim "healthy" to be consistent with current nutrition science and federal dietary guidelines. The proposed rule would revise the requirements for when the claim "healthy" can be voluntarily used in the labeling of human food products to indicate that a food, because of its nutrient content, may be useful in achieving a total diet that conforms to current dietary recommendations and

helps consumers maintain healthy dietary practices.

Timetable:

Action	Date	FR Cite
NPRM	09/29/22	87 FR 59168
NPRM Comment Period End.	12/28/22	
NPRM Comment Period Extended.	11/29/22	87 FR 73267
NPRM Comment Period Extended End.	02/16/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS-830), Room 3D-031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402-1774, *Fax:* 301 436-1191, *Email:* vincent.defesus@fda.hhs.gov.

RIN: 0910-AI13

84. Revocation of Uses of Partially Hydrogenated Oils in Foods [0910-AI15]

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 341; 21 U.S.C. 342; 21 U.S.C. 343; 21 U.S.C. 348; 21 U.S.C. 371; 21 U.S.C. 379e

Abstract: In the **Federal Register** of June 17, 2015 (80 FR 34650), we published a declaratory order announcing our final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs) are generally recognized as safe (GRAS) for any use in human food. In the **Federal Register** of May 21, 2018 (83 FR 23382), we denied a food additive petition requesting that the food additive regulations be amended to provide for the safe use of PHOs in certain food applications. We are now planning to issue a direct final rule and companion proposed rule to update our regulations to remove all mention of partially hydrogenated oils from FDA's GRAS regulations and as an optional ingredient in standards of identity. We are also revoking all prior sanctions for uses of PHOs in food.

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Ellen Anderson, Consumer Safety Officer, Department of

Health and Human Services, Food and Drug Administration, HFS-265, 4300 River Road, College Park, MD 20740, *Phone:* 240 402-1309, *Email:* ellen.anderson@fda.hhs.gov.
RIN: 0910-AI15

85. Tobacco Product Standard for Characterizing Flavors in Cigars [0910-AI28]

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 371(a); 21 U.S.C. 387b and 387c; 21 U.S.C. 387f(d) and 387g; . . .

Abstract: This rule is a tobacco product standard that would prohibit characterizing flavors (other than tobacco) in all cigars. We are taking this action with the intention of reducing the tobacco-related death and disease associated with cigar use. Evidence shows that flavored tobacco products appeal to youth and also shows that youth may be more likely to initiate tobacco use with such products. Characterizing flavors in cigars, such as strawberry, grape, orange, and cocoa, enhance taste and make these products easier to use. Over a half million youth in the United States use flavored cigars, placing these youth at risk for cigar-related death and disease.

Timetable:

Action	Date	FR Cite
ANPRM	03/21/18	83 FR 12294
ANPRM Comment Period End.	07/19/18	
NPRM	05/04/22	87 FR 26396
NPRM Comment Period Extended.	06/21/22	87 FR 36786
NPRM Comment Period End.	07/05/22	
NPRM Comment Period Extended End.	08/02/22	
Final Rule	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Nathan Mease, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Center for Tobacco Products, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

RIN: 0910-AI28

86. Tobacco Product Standard for Menthol in Cigarettes [0910-AI60]

Legal Authority: 21 U.S.C. 387g; 21 U.S.C 371; 21 U.S.C 387f

Abstract: This final rule is a tobacco product standard to prohibit the use of menthol as a characterizing flavor in cigarettes.

Timetable:

Action	Date	FR Cite
ANPRM	07/24/13	78 FR 44484
ANPRM Comment Period End.	09/23/13	
NPRM	05/04/22	87 FR 26454
NPRM Comment Period Extended.	06/21/22	87 FR 36786
NPRM Comment Period End.	07/05/22	
NPRM Comment Period Extended End.	08/02/22	
Final Rule	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Beth Buckler, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

RIN: 0910-AI60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

87. National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers [0910-AH11]

Legal Authority: Secs. 583 and 584 of the FD&C Act, as added by the DSCSA under Pub. L. 113-54, together with related FD&C Act authority added by the DSCSA

Abstract: The final rule establishes national standards for State licensing of prescription drug wholesale distributors and third-party logistics providers. The rulemaking also establishes a Federal system for wholesale drug distributor and third-party logistics provider licensing for use in the absence of a State licensure program.

Timetable:

Action	Date	FR Cite
NPRM	02/04/22	87 FR 6708
NPRM Comment Period End.	06/06/22	
NPRM Comment Period Extended.	05/24/22	87 FR 31439
NPRM Comment Period Extended End.	09/06/22	
Final Rule	04/00/25	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Aaron Weisbuch, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796-9362, Email: aaron.weisbuch@fda.hhs.gov. RIN: 0910-AH11

88. Nicotine Toxicity Warnings [0910-AH24]

Legal Authority: 21 U.S.C. 301 *et seq.*; 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 387f; . . .

Abstract: This rule would establish acute nicotine toxicity warning requirements for liquid nicotine and nicotine-containing e-liquid(s) intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to increase consumer awareness and knowledge of the risks of acute toxicity due to accidental nicotine exposure from nicotine-containing e-liquids in tobacco products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/24	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Laura Chilaka, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G355, Silver Spring, MD 20993, Phone: 877 287-1373, Email: ctpregulations@fda.hhs.gov. RIN: 0910-AH24

89. Certain Requirements Regarding Prescription Drug Marketing (203 Amendment) [0910-AH56]

Legal Authority: Section 503 and related provisions of the FD&C Act, as amended by Pub. L. 113-54

Abstract: The final rule amends Food and Drug Administration (FDA) regulations at 21 CFR 203 to remove provisions no longer in effect and incorporate conforming changes following enactment of the Drug Supply Chain Security Act (DSCSA). The final rule amends the regulations to clarify provisions and avoid causing confusion with the new standards for wholesale distribution established by DSCSA.

Timetable:

Action	Date	FR Cite
NPRM	02/04/22	87 FR 6443
NPRM Comment Period End.	04/05/22	
Final Rule	04/00/25	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Aaron Weisbuch, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796-9362, Email: aaron.weisbuch@fda.hhs.gov. RIN: 0910-AH56

90. Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products [0910-AI61]

Legal Authority: 42 U.S.C. 262; 42 U.S.C. 264; 42 U.S.C. 300aa-25; 21 U.S.C. 321; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; . . .

Abstract: The proposed rule would modernize FDA's regulations on postmarketing safety reporting and pharmacovigilance for human drug and biological products, including blood and blood components, by capturing important new safety-related information, improving the quality and utility of submitted reports, and supporting enhanced alignment with internationally harmonized reporting guidelines. Among other things, the proposed rule would require the submission of certain nonclinical and clinical data to FDA in a periodic safety report, rather than the annual report. The proposed rule also would require application holders for drug products and certain biological products to establish and maintain a pharmacovigilance quality system that reflects the application holder's unique needs and that may support a more streamlined, flexible approach to satisfying certain postmarketing safety reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Janice L. Weiner, Principal Regulatory Counsel, Department of Health and Human Services, Food and Drug

Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6270, Silver Spring, MD 20993-0002, Phone: 301 796-3475, Fax: 301 847-8440, Email: janice.weiner@fda.hhs.gov. RIN: 0910-AI61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

91. Mammography Quality Standards Act [0910-AH04]

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is amending its regulations governing mammography. The amendments will update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA) and the Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and healthcare providers.

Completed:

Reason	Date	FR Cite
Final Rule	03/10/23	88 FR 15126
Final Action Effective.	09/10/24	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Laurie Sternberg, Phone: 240 402-0425, Email: laurie.sternberg@fda.hhs.gov. RIN: 0910-AH04

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

92. FY 2024 Skilled Nursing Facility (SNFS) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS-1779) (Section 610 Review) [0938-AV02]

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This annual final rule updates the payment rates used under

the prospective payment system for SNFs for fiscal year 2024. The rule also includes changes for the SNF Quality Reporting Program (QRP) and for the Skilled Nursing Facility Value-Based Purchasing (VBP) Program that will affect Medicare payment to SNFs.

Timetable:

Action	Date	FR Cite
NPRM	04/10/23	88 FR 21316
NPRM Comment Period End.	06/05/23	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tammy Luo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5-06-17, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-4325, Email: tammy.luo@cms.hhs.gov.

RIN: 0938-AV02

93. CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1784) (Section 610 Review) [0938-AV07]

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This annual proposed rule would revise payment policies under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B including, but not limited to, establishing payment policies for dental services prior to the initiation of immunotherapy services. These changes would apply to services furnished beginning January 1, 2024. Additionally, this rule proposes updates to the Quality Payment Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gift Tee, Director, Division of Physician Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, 7500 Security Boulevard, MS: C1-09-07, Baltimore, MD 21244, Phone: 410 786-9316, Email: gift.tee@cms.hhs.gov.

RIN: 0938-AV07

94. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2024 Rates (CMS-1785) (Section 610 Review) [0938-AV08]

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems. In addition, the rule proposes to establish new requirements or revise existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-01-26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-6504, Email: donald.thompson@cms.hhs.gov.

RIN: 0938-AV08

95. CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1786) (Section 610 Review) [0938-AV09]

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would also update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elise Barringer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-03-06, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-9222, Email: elise.barringer@cms.hhs.gov.

RIN: 0938-AV09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

96. FY 2024 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS-1787) (Section 610 Review) [0938-AV10]

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule updates the hospice payment rates and the wage index for fiscal year 2024. The rule also finalizes changes to the Hospice Quality Reporting program.

Timetable:

Action	Date	FR Cite
NPRM	04/04/23	88 FR 20022
NPRM Comment Period End.	05/30/23	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Slater, Director, Division of Home Health and Hospice, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-07-07, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-5229, Email: brian.slater@cms.hhs.gov.

RIN: 0938-AV10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

97. Medicare Advantage and Medicare Prescription Drug Benefit Program Payment Policy (CMS-4198) [0938-AU59]

Legal Authority: 42 U.S.C. 1395w

Abstract: This proposed rule would codify long-established Medicare Advantage and Part D payment policies

that are outside the scope of the annual Advance Notice/Rate Announcement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer Shapiro, Director, Medicare Plan Payment Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C1-13-18, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-7407, Email: jennifer.shapiro@cms.hhs.gov.

RIN: 0938-AU59

98. Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415) (Section 610 Review) [0938-AU75]

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This interim final rule with comment period revises the infection control requirements that most Medicare- and Medicaid-participating providers and suppliers must meet to participate in the Medicare and Medicaid programs. These changes are necessary to protect the health and safety of residents, clients, patients, and staff and reflect lessons learned as result of the COVID-19 public health emergency. The revisions to the

infection control requirements establish COVID-19 vaccination requirements for staff at the included Medicare- and Medicaid-participating providers and suppliers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/05/21	86 FR 61555
Interim Final Rule Effective.	11/05/21	
Interim Final Rule Comment Period End.	01/04/22	
Reviewing Public Comments.	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Lauren Oviatt, Acting Director, Division of Non-Institutional Standards and Quality, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: C2-21-16, 7500 Security Boulevard, Baltimore, MD 21244-1850, Phone: 410 786-4683, Email: lauren.oviat@cms.hhs.gov.

RIN: 0938-AU75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration for Children and Families (ACF)

Proposed Rule Stage

99. • Supporting the Head Start Workforce and Other Quality Improvements [0970-AD01]

Legal Authority: 42 U.S.C. 9801; 42 U.S.C. 9836a; 42 U.S.C. 9839

Abstract: This NPRM will propose changes to the Head Start Program Performance Standards to better support the Head Start workforce and to maintain the quality of comprehensive Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Lindsey A Hutchison, Senior Policy Analyst, Department of Health and Human Services, Administration for Children and Families, 330 C Street SW, #4305B, Washington, DC 20201, Phone: 904 860-7032, Email: lindsey.hutchison@acf.hhs.gov.

RIN: 0970-AD01

[FR Doc. 2023-14544 Filed 7-26-23; 8:45 am]

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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.
ACTION: Semiannual Regulatory Agenda.

SUMMARY: This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS’s regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department’s regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the

Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sept. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation and Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS’s last semiannual regulatory agenda was published online on January 4, 2023, at <https://www.reginfo.gov/public/do/eAgendaMain>.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS’s printed agenda entries include regulatory actions that are in the Department’s regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Christina E. McDonald,
Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
100	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Information (HSAR Case 2015–001).	1601–AA76

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
101	U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.	1615–AC68

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
102	Claims Procedures Under the Oil Pollution Act of 1990	1625–AA03
103	Lifejacket Approval Harmonization	1625–AC62
104	Great Lakes Pilotage Rates—2024 Annual Review	1625–AC89

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
105	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85
106	User Fees for Inspected Towing Vessels	1625–AC55

TRANSPORTATION SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
107	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652-AA70

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
108	Ammonium Nitrate Security Program	1670-AA00
109	Chemical Facility Anti-Terrorism Standards (CFATS)	1670-AA01

DEPARTMENT OF HOMELAND SECURITY (DHS)*Office of the Secretary (OS)*

Final Rule Stage

100. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Information (HSAR Case 2015-001) [1601-AA76]

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302, 1303 and 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaundra Ford, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, *Phone:* 202 447-0056, *Email:* shaundra.ford@hq.dhs.gov.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528, *Phone:* 202 447-0956, *Email:* nancy.harvey@hq.dhs.gov.

RIN: 1601-AA76**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Citizenship and Immigration Services (USCIS)*

Final Rule Stage

101. U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements [1615-AC68]

Legal Authority: 8 U.S.C. 1356(m), (n)

Abstract: On January 4, 2023, the Department of Homeland Security (DHS) published a notice of proposed rulemaking (NPRM or proposed rule) 88 FR 402 that proposed to adjust the fees charged by U.S. Citizenship and Immigration Services (USCIS) for immigration and naturalization benefit requests. On August 3, 2020, DHS adjusted the fees USCIS charges for immigration and naturalization benefit requests, imposed new fees, revised certain fee waiver and exemption policies, and changed certain application requirements via the rule “USCIS Fee Schedule & Changes to Certain Other Immigration Benefit Request Requirements.” DHS has been preliminarily enjoined from implementing that rule by court order. This rule would rescind and replace the changes made by the August 3, 2020, rule and establish new USCIS fees to recover USCIS operating costs. DHS solicited public comment on the NPRM, which DHS intends to consider and address in a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/04/23	88 FR 402
NPRM Correction	01/09/23	88 FR 1172
NPRM Comment Period End.	03/06/23	
NPRM Comment Period Extended.	02/24/23	88 FR 11825
NPRM Comment Period Extended End.	03/13/23	
Final Action	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kika Scott, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588-0009, *Phone:* 240 721-3000.

RIN: 1615-AC68**DEPARTMENT OF HOMELAND SECURITY (DHS)***U.S. Coast Guard (USCG)*

Proposed Rule Stage

102. Claims Procedures Under the Oil Pollution Act of 1990 [1625-AA03]

Legal Authority: 33 U.S.C. 2713 and 2714

Abstract: The purpose of this project is to remove superseded regulations at 33 Code of Federal Regulations (CFR) part 135, and to finalize the Oil Pollution Act of 1990 (OPA90) claims procedures at 33 CFR part 136. The OPA90 claims procedures, implementing OPA90 section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement), were established by an interim rule, titled “Claims under the Oil Pollution Act of 1990” (Interim Rule) that has not been substantively amended since it was published in 1992. This rulemaking supports the

Coast Guard's strategic goal of protection of natural resources.
Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule	12/10/92	
Comment Period End.		
Notice of Inquiry ..	11/01/11	76 FR 67385
Notice of Inquiry	01/30/12	
Comment Period End.		
NPRM	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Pollution Funds Center (NPFC), 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593-7605, *Phone:* 202 795-6066, *Email:* benjamin.h.white@uscg.mil.
RIN: 1625-AA03

103. Lifejacket Approval Harmonization [1625-AC62]

Legal Authority: 46 U.S.C. 3306(a); 46 U.S.C. 3306(b); 46 U.S.C. 4102(a); 46 U.S.C. 4102(b); 46 U.S.C. 4302(a); 46 U.S.C. 4502(a); 46 U.S.C. 4502(c)(2)(B)

Abstract: The Coast Guard would amend the lifejacket approval requirements and follow-up program requirements by incorporating new bi-national standards. At the same time, the Coast Guard would amend lifejacket and personal flotation devices (PFDs) carriage requirements to allow for the use of equipment approved to the new standards, and to remove obsolete equipment approval requirements. The new standards are intended to replace the legacy standards. The amendments would streamline the process for approval of PFDs and allow manufacturers the opportunity to produce more innovative equipment that meets the approval requirements of both Canada and the United States, while reducing the burden for manufacturers in both the approval process and follow-up program. The rule is expected to provide a cost savings by reducing the regulatory burden on PFD manufacturers by harmonizing our PFD approval standards with Canada, requiring less frequent inspections of manufacturing facilities, providing lower cost PFD user manuals, and by potentially creating a new market in PFDs with a lower buoyancy rating. This rule is consistent with Executive Order 14058, which directs agencies to take actions that improve service delivery and customer

experience by decreasing administrative burdens, enhancing transparency, and improving the efficiency and effectiveness of government.
Timetable:

Action	Date	FR Cite
NPRM	04/07/23	88 FR 21016
NPRM Correction	05/01/23	88 FR 26514
NPRM Comment Period End.	06/06/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jacqueline M. Yurkovich, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Design and Engineering Standards (CG-ENG-4), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 202 372-1389, *Email:* jacqueline.m.yurkovich@uscg.mil.
RIN: 1625-AC62

104. • Great Lakes Pilotage Rates—2024 Annual Review [1625-AC89]

Legal Authority: 46 U.S.C. 9303(f)
Abstract: Pursuant to the Great Lakes Pilotage Act, the Coast Guard must review rates for pilotage services on the Great Lakes by March 1 of each year. This rule would adjust the pilotage rates to account for changes in district operating expenses, an increase in the number of pilots, and anticipated inflation for the 2024 shipping season.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Rogers, Program Manager, Department of Homeland Security, U.S. Coast Guard, Office of Waterways Management (CG-WWM), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593-7509, *Phone:* 410 360-9260, *Email:* brian.rogers@uscg.mil.
RIN: 1625-AC89

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

105. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation [1625-AB85]

Legal Authority: 46 U.S.C. 4502 and 5103; Pub. L. 111-281; Pub. L. 112-213
Abstract: The Coast Guard will implement 2010 and 2012 legislation

that pertains to uninspected commercial fishing industry vessels. The requirements took effect upon enactment of the legislation but require amendments to Coast Guard regulations to be implemented. Coast Guard is changing the applicability of the regulations, and adding new requirements to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	09/19/16	
NPRM Comment Period Extended End.	12/18/16	
Final Rule	08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Commercial Vessel Compliance (CG-CVC-3), 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593-7501, *Phone:* 202 372-1249, *Email:* joseph.d.myers@uscg.mil.
RIN: 1625-AB85

106. User Fees for Inspected Towing Vessels [1625-AC55]

Legal Authority: 46 U.S.C. 2103; 46 U.S.C. 2110; Pub. L. 115-282, sec. 815

Abstract: This rulemaking would revise user fees for towing vessels inspected under 46 CFR subchapter M and update the existing user fee in 46 CFR 2.10-101 for sea-going towing vessels inspected under 46 CFR subchapter I. These user fees are for services related to the inspection of these vessels and will reflect the differences in cost to the government to provide these services to vessels that use a safety management system involving a third party and vessels that do not.

Timetable:

Action	Date	FR Cite
NPRM	01/11/22	87 FR 1378
NPRM Comment Period End.	04/11/22	
Final Rule	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hnatow, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commercial Vessel Compliance (CG-CVC-1), 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593-7501, *Phone:* 202 373-1216, *Email:* jennifer.l.hnatow@uscg.mil.
RIN: 1625-AC55

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Long-Term Actions

107. Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA) [1652-AA70]

Legal Authority: Pub. L. 114-190, sec. 3405

Abstract: As required by the FESSA, TSA will propose a rule to revise its regulations, reflecting current knowledge of insider threat and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport. Consistent with the statutory mandate, TSA will consider adding to the list of disqualifying criminal offenses and criteria, develop an appeal and waiver process for the issuance of credentials for unescorted access, and propose an extension of the lookback period for disqualifying crimes. As part of TSA's reevaluation of the eligibility and redress standards for aviation workers required by the Act, TSA is also reevaluating the current vetting process to minimize any security risks that may exist.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kevin Knott, Branch Manager, Airports Policy Branch-Aviation Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595 Springfield Center Drive, Springfield, VA 20598-6028, *Phone:* 571 227-4370, *Email:* kevin.knott@tsa.dhs.gov.

James Ruger, Chief Economist, Economic Analysis Branch-Coordination & Analysis Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595

Springfield Center Drive, Springfield, VA 20598-6028, *Phone:* 571 227-5519, *Email:* james.ruger@tsa.dhs.gov.

Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 6595 Springfield Center Drive, Springfield, VA 20598-6002, *Phone:* 571 227-3653, *Email:* christine.beyer@tsa.dhs.gov.
RIN: 1652-AA70

DEPARTMENT OF HOMELAND SECURITY (DHS)

Cybersecurity and Infrastructure Security Agency (CISA)

Proposed Rule Stage

108. Ammonium Nitrate Security Program [1670-AA00]

Legal Authority: 6 U.S.C. 488 *et seq.*

Abstract: The Cybersecurity and Infrastructure Security Agency (CISA) is proposing a rulemaking to implement the December 2007 amendment to the Homeland Security Act titled "Secure Handling of Ammonium Nitrate." This amendment requires the Department of Homeland Security to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism." CISA previously issued a Notice of Proposed Rulemaking (NPRM) on August 3, 2011. CISA is planning to issue a Supplemental Notice of Proposed Rulemaking (SNPRM).

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
ANPRM Correction.	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Notice of Availability.	06/03/19	84 FR 25495
Notice of Availability Comment Period End.	09/03/19	
Supplemental NPRM.	09/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Ryan Donaghy, Deputy Branch Chief for Chemical Security Policy, Rulemaking, and

Engagement, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528, *Phone:* 571 532-4127, *Email:* ryan.donaghy@cisa.dhs.gov.

RIN: 1670-AA00

109. Chemical Facility Anti-Terrorism Standards (CFATS) [1670-AA01]

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Cybersecurity and Infrastructure Security Agency (CISA) previously invited public comment on an Advance Notice of Proposed Rulemaking (ANPRM) during August 2014 for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. In June 2020, CISA published for public comment a retrospective analysis of the CFATS program. And in January 2021, CISA invited additional public comment through an ANPRM concerning the removal of certain explosive chemicals from CFATS. CISA intends to address many of the subjects raised in both ANPRMs and the retrospective analysis in this regulatory action, including potential updates to CFATS cybersecurity requirements and Appendix A to the CFATS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
ANPRM	01/06/21	86 FR 495
Announcement of Availability; Retrospective Analysis.	06/22/20	85 FR 37393
Announcement of Availability; Retrospective Analysis Comment Period End.	09/21/20	
NPRM	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Ryan Donaghy, Deputy Branch Chief for Chemical Security Policy, Rulemaking, and Engagement, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528, *Phone:* 571 532-4127, *Email:* ryan.donaghy@cisa.dhs.gov.
RIN: 1670-AA01

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Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

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30 CFR Chs. II and VII

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48 CFR Ch. 14

50 CFR Chs. I and IV

[234D0102DM; DS6CS00000;
DLSN00000.00000; DX6CS25]

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between spring 2023 and spring 2024. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 513-0357.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects. The complete Unified Agenda will be

published at www.reginfo.gov, in a format that offers users enhanced ability to obtain information from the Agenda database. Agenda information is also available at www.regulations.gov, the government-wide website for submission of comments on proposed regulations.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation.

Bivan R. Patnaik,
Deputy Director of Policy and Regulatory Affairs, Executive Secretariat and Regulatory Affairs.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
110	Revisions to Decommissioning Requirements on the OCS	1014-AA53
111	Outer Continental Shelf Civil Penalties, Surety Bond Requirements When Filing an Appeal	1014-AA57

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
112	Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions.	1014-AA52

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
113	Risk Management, Financial Assurance and Loss Prevention—Decommissioning Activities and Obligations.	1082-AA02

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
114	Importation, Exportation and Transportation of Wildlife; Updates to the Regulations	1018-BF16
115	Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations	1018-BG63

UNITED STATES FISH AND WILDLIFE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
116	Migratory Bird Hunting; 2023–24 Migratory Game Bird Hunting Regulations	1018–BF64

NATIONAL PARK SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
117	Commercial Visitor Services; Concession Contracts	1024–AE57

BUREAU OF OCEAN ENERGY MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
118	Air Quality Rule	1010–AE09

BUREAU OF LAND MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
119	Conservation and Landscape Health (Section 610 Review)	1004–AE92
120	Management and Protection of the National Petroleum Reserve in Alaska (Section 610 Review)	1004–AE95

BUREAU OF LAND MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
121	Helium Contracts (Section 610 Review)	1004–AE93
122	Onshore Oil and Gas Operations—Annual Civil Penalties Inflation Adjustments (Section 610 Review)	1004–AE94
123	Application Procedures, Execution and Filing of Forms: Correction of State Office and Public Room Address for Filings and Recordings, Including Proper Offices for Recording of Mining Claims; Colorado (Section 610 Review).	1004–AE96

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

110. Revisions to Decommissioning Requirements on the OCS [1014–AA53]

Legal Authority: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 to 1356a

Abstract: This proposed rule would address issues relating to (1) idle iron by adding a definition of this term to clarify that it applies to idle wells and structures on active leases; (2) abandonment in place of subsea infrastructure by adding regulations addressing when BSEE may approve decommissioning-in-place instead of removal of certain subsea equipment; and (3) other operational considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/23	

Action	Date	FR Cite
NPRM Comment Period End.	02/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1751, *Fax:* 703 787–1555, *Email:* kirk.malstrom@bsee.gov.
RIN: 1014–AA53

111. Outer Continental Shelf Civil Penalties, Surety Bond Requirements When Filing an Appeal [1014–AA57]

Legal Authority: Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 to 1356a

Abstract: This proposed rulemaking would clarify BSEE's existing regulatory authority under 30 CFR 250.1409, which establishes criteria that must be met before a party may proceed with an

appeal of a civil penalty pursuant to 30 CFR part 290. Before filing an appeal to the Interior Board of Land Appeals (IBLA), an operator must either submit a surety bond to BSEE's sister agency, BOEM, in the amount of the penalty, or notify BOEM that they want their lease bond to be used as the bond for the penalty amount.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	
Final Action	10/00/23	
Final Action Effective.	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–

1751, Fax: 703 787–1555, Email: kirk.malstrom@bsee.gov.
RIN: 1014–AA57

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

112. Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions [1014–AA52]

Legal Authority: Not Yet Determined
Abstract: This rulemaking revises the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2019 final rule entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions,” 84 FR 21908 (May 15, 2019), for drilling, workover, completion and decommissioning operations. In accordance with Executive Order (E.O.) 13990 (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis) and the E.O.’s accompanying “President’s Fact Sheet: List of Agency Actions for Review,” BSEE reviewed the 2019 final rule and is updating to subpart G of 30 CFR part 250 to ensure operations are conducted safely and in an environmentally responsible manner.

Timetable:

Action	Date	FR Cite
NPRM	09/14/22	87 FR 56354
NPRM Comment Period End.	11/14/22	
Final Action	06/00/23	
Final Action Effective.	07/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, Phone: 703 787–1751, Fax: 703 787–1555, Email: kirk.malstrom@bsee.gov.
RIN: 1014–AA52

DEPARTMENT OF THE INTERIOR (DOI)
Assistant Secretary for Land and Minerals Management (ASLM)
Completed Actions

113. Risk Management, Financial Assurance and Loss Prevention—Decommissioning Activities and Obligations [1082–AA02]
Legal Authority: 43 U.S.C. 1334(a)
Abstract: On October 12, 2020, the Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) published the joint proposed rule in the **Federal Register** (85 FR 65904). BSEE continued to pursue this rulemaking as a BSEE-only final rule to revise policies and procedures concerning compliance with decommissioning obligations for Outer Continental Shelf (OCS) oil and gas. The final rule clarifies and streamline specific regulatory requirements associated with the operational and procedural aspects of applicable decommissioning responsibilities of OCS lessees and grant holders. BOEM will continue to evaluate and develop a comprehensive set of regulations to manage the risks and financial obligations associated with industry activities on the OCS and pursue these actions in a separate rulemaking under RIN 1010–AE14.
Timetable:

Action	Date	FR Cite
NPRM	10/16/20	85 FR 65904
NPRM Comment Period End.	12/15/20	
Final Action	04/18/23	88 FR 23569
Final Action Effective.	05/18/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Bivan Patnaik, Deputy Director of Regulatory Affairs, Department of the Interior, Washington, DC 20240, Phone: 202 208–4582, Email: bivan_patnaik@ios.doi.gov.
RIN: 1082–AA02

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)
Proposed Rule Stage
114. Importation, Exportation and Transportation of Wildlife; Updates to the Regulations [1018–BF16]

Legal Authority: 16 U.S.C. 33 8(d)–(f); 16 U.S.C. 668; 16 U.S.C. 704; 16 U.S.C. 712; 16 U.S.C. 1382; 16 U.S.C. 1538(d)–(f); 16 U.S.C. 1540(f); 16 U.S.C. 3371 to

3378; 16 U.S.C. 4223 to 4244; 16 U.S.C. 4901 to 4916; 18 U.S.C. 42; 31 U.S.C. 42; 31 U.S.C. 9701; . . .
Abstract: This proposed rule would revise FWS’s regulations governing the importation and exportation of wildlife. In this rulemaking, FWS would review all sections of 50 CFR part 14 and provide necessary revisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Edward Grace, Assistant Director, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: LEO, Falls Church, VA 22041–3803, Phone: 703 358–1949, Fax: 703 358–1947, Email: edward_grace@fws.gov.
RIN: 1018–BF16

115. Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations [1018–BG63]
Legal Authority: 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a–j

Abstract: This rulemaking action would establish annual hunting regulations for certain migratory game birds. FWS annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States and Tribes may select season dates, bag limits, and other regulatory options for their hunting seasons.
Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Dr. Eric L. Kershner, Chief, Division of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, Phone: 703 358–2376, Fax: 703 358–2217, Email: eric_kershner@fws.gov.
RIN: 1018–BG63

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

116. Migratory Bird Hunting; 2023–24 Migratory Game Bird Hunting Regulations [1018–BF64]

Legal Authority: 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a–j

Abstract: This rulemaking action establishes annual hunting regulations for certain migratory game birds. FWS annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States and Tribes may select season dates, bag limits, and other regulatory options for their hunting seasons.

Timetable:

Action	Date	FR Cite
NPRM	11/03/22	87 FR 66247
NPRM Comment Period End.	12/05/22	
Proposed Frameworks.	01/30/23	88 FR 6054
Proposed Frameworks; Comment Period End.	03/01/23	
Proposed Tribal Regulations.	03/23/23	88 FR 17511
Proposed Tribal Regulations; Comment Period Ends.	05/08/23	
Final Frameworks	07/00/23	
Final Tribal Regulations.	08/00/23	
Seasons and Bag Limits.	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dr. Eric L. Kershner, Chief, Division of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, Phone: 703 358–2376, Fax: 703 358–2217, Email: eric_kershner@fws.gov.

RIN: 1018–BF64

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Final Rule Stage

117. Commercial Visitor Services; Concession Contracts [1024–AE57]

Legal Authority: 54 U.S.C. 101926

Abstract: This final rule will revise regulations that govern the solicitation, award, and administration of

concessions contracts to provide commercial visitor services at NPS units under the authority granted through the Concessions Management Improvement Act of 1998. The changes will reduce administrative burdens and expand sustainable, high quality, and contemporary concessioner-provided visitor services in national parks.

Timetable:

Action	Date	FR Cite
NPRM	07/20/20	85 FR 43775
NPRM Comment Period End.	09/18/20	
Final Rule	07/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kurt M. Rausch, Chief, Contract Management, Department of the Interior, National Park Service, 1849 C Street NW, Washington, DC 20240, Phone: 202 513–7207, Email: kurt_rausch@nps.gov.

RIN: 1024–AE57

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management (BOEM)

Long-Term Actions

118. Air Quality Rule [1010–AE09]

Legal Authority: OCSLA sec. 5(a)(8)

Abstract: This proposed rule would identify opportunities for clarifying air quality regulations.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Karen Thundiyil, Chief, Office of Regulations, Department of the Interior, Bureau of Ocean Energy Management, 1849 C Street NW, Washington, DC 20240, Phone: 202 742–0970, Email: karen.thundiyil@boem.gov.

RIN: 1010–AE09

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Proposed Rule Stage

119. Conservation and Landscape Health (Section 610 Review) [1004–AE92]

Legal Authority: 43 U.S.C. 1732(a)

Abstract: This final rule will clarify and support the principles of multiple use and sustained yield in the

management of the public lands. This rule would incorporate climate resiliency and restoration through conservation and preservation in the management of the public lands. Under authority provided in the Federal Land Policy and Management Act (FLPMA), including section 102(a)(8) (43 U.S.C. 1701(a)(8)), and other relevant authorities, this rule will incorporate climate resiliency and restoration through conservation, defined as protection and restoration, in the management of the public lands pursuant to the FLPMA. As part of identifying uses and tools to carry out restoration and mitigation activities, the rule will apply land health standards to all renewable resources and identify conservation leases as a tool that BLM will further define, including based on public and stakeholder comments through the NPRM.

This rule rests within 43 CFR 6000, which includes Conservation and Preservation, and would provide an overarching framework governing multiple resource areas to ensure land health and sustained yield. This rule will affirm existing policy direction for restoration and conservation actions in building and maintaining sustainable land management practices to ensure healthy and productive ecosystems for current and future generations.

Timetable:

Action	Date	FR Cite
NPRM	04/03/23	88 FR 19583
NPRM Comment Period End.	06/20/23	
Final Action	12/00/23	

Regulatory Flexibility Analysis

Required: Undetermined.

Agency Contact: Brian St. George, Acting Assistant Director, Directorate of Resources and Planning, Department of the Interior, Bureau of Land Management, 1849 C Street NW, Washington, DC 20240, Phone: 202 239–3741, Email: bstgeorge@blm.gov.

RIN: 1004–AE92

120. • Management and Protection of the National Petroleum Reserve in Alaska (Section 610 Review) [1004–AE95]

Legal Authority: Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 to 6508)

Abstract: This proposed rule would assure maximum protection of Special Areas in the NPR–A pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*), Alaska National Interest Lands

Conservation Act, and other applicable authorities.
Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
Final Action	01/00/24	

Regulatory Flexibility Analysis Required: Undetermined.
Agency Contact: Kyle W. Moorman, Division Chief for Regulatory Affairs and Directives, Department of the Interior, Bureau of Land Management, 1849 C Street NW, Washington, DC 20240, *Phone:* 202 527–2433, *Email:* kmoorman@blm.gov.
RIN: 1004–AE95

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)
Final Rule Stage

121. Helium Contracts (Section 610 Review) [1004–AE93]

Legal Authority: 50 U.S.C. 167d (d)(1)
Abstract: In accordance with the Helium Stewardship Act of 2013, the Bureau of Land Management (BLM) is no longer conducting the Federal in-kind program, whereby Federal users purchase helium from third parties who then purchased that same amount of helium from BLM. This final rule will update BLM’s regulations to reflect those changes.
Timetable:

Action	Date	FR Cite
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Amy Hay, Division Chief, Division of Business Resources, Department of the Interior, Bureau of Land Management, Denver Federal Center, Building 50, Denver, CO 80225–0047, *Phone:* 703 870–8844, *Email:* ahay@blm.gov.
RIN: 1004–AE93

122. • Onshore Oil and Gas Operations–Annual Civil Penalties Inflation Adjustments (Section 610 Review) [1004–AE94]

Legal Authority: Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1734
Abstract: This final rule adjusts the level of civil monetary penalties contained in the BLM’s regulations governing onshore oil and gas operations and coal trespass as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This annual rule replaces the previously issued amounts with the updated amounts after using the inflation adjustment multiplier provided by the Office of Management and Budget.
Timetable:

Action	Date	FR Cite
Final Action	09/00/23	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Kyle W. Moorman, Division Chief for Regulatory Affairs and Directives, Department of the Interior, Bureau of Land Management, 1849 C Street NW, Washington, DC

20240, *Phone:* 202 527–2433, *Email:* kmoorman@blm.gov.
RIN: 1004–AE94

123. • Application Procedures, Execution and Filing of Forms: Correction of State Office and Public Room Address for Filings and Recordings, Including Proper Offices for Recording of Mining Claims; Colorado (Section 610 Review) [1004–AE96]

Legal Authority: 5 U.S.C. 552; 43 U.S.C. 2; 43 U.S.C. 1201; 43 U.S.C. 1733 and 1740
Abstract: This final rule updates Bureau of Land Management’s (BLM) regulations pertaining to execution and filing of forms in order to reflect the new addresses for the BLM-Colorado State Office and its Public Room.
Timetable:

Action	Date	FR Cite
Final Action	06/00/23	

Regulatory Flexibility Analysis Required: No.
Agency Contact: Jennnifer Bednar, Deputy State Director, Colorado State Office, Department of the Interior, Bureau of Land Management, 2850 Youngfield Street, Fairfield, CO 80215, *Phone:* 303 239–3801, *Email:* jbednar@blm.gov.
RIN: 1004–AE96



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Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Department of Justice is publishing its spring 2023 regulatory agenda pursuant to Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice’s printed agenda entries include only:

Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Susan M. Davies,

Principal Deputy Assistant Attorney General, Office of Legal Policy.

CIVIL RIGHTS DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
124	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities.	1190-AA79

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Proposed Rule Stage

124. Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities [1190-AA79]

Legal Authority: 42 U.S.C. 12101 *et seq.*

Abstract: The Americans with Disabilities Act (ADA) states that, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services,

programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. 12132. However, many public entities’ (*i.e.*, State and local governments) websites and mobile apps fail to incorporate or activate features that enable users with disabilities to access the public entity’s services, programs, and activities. The Department intends to publish a Notice of Proposed Rulemaking (NPRM) to amend its title II ADA regulation to provide technical standards to assist public entities in complying with their existing obligations to make their websites and mobile apps accessible to individuals with disabilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rebecca Bond, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, 4 Constitution Square, 150 M Street NE, Washington, DC 20002, *Phone:* 202 307–0663.

RIN: 1190-AA79

[FR Doc. 2023–14547 Filed 7–26–23; 8:45 am]

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Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR**Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Semiannual Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This

Federal Register Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT:

Albert T. Herrera, Director, Office of Regulatory and Programmatic Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S-2312, Washington, DC 20210; (202) 693-5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory

flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Julie A. Su,

Acting Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
125	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees.	1235-AA39

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
126	Temporary Employment of H-2B Foreign Workers in the United States	1205-AB93
127	Improving Protections For Workers in Temporary Agricultural Employment in the United States	1205-AC12

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
128	Implement SECURE Act and Related Revisions to Employee Benefit Plan Annual Reporting on the Form 5500.	1210-AB97

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
129	Process Safety Management and Prevention of Major Chemical Accidents	1218-AC82
130	Prevention of Workplace Violence in Health Care and Social Assistance	1218-AD08

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
131	Infectious Diseases	1218-AC46
132	Communication Tower Safety	1218-AC90
133	Emergency Response	1218-AC91

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
134	Tree Care Standard	1218-AD04

DEPARTMENT OF LABOR (DOL)*Wage and Hour Division (WHD)*

Proposed Rule Stage

125. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees [1235-AA39]

Legal Authority: 29 U.S.C. 201 *et seq.*; 29 U.S.C. 213

Abstract: WHD is reviewing the regulations at 29 CFR 541, which implement the exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, FP Building, Room S-3502, Washington, DC 20210, *Phone:* 202 693-0406.

RIN: 1235-AA39

DEPARTMENT OF LABOR (DOL)*Employment and Training**Administration (ETA)*

Proposed Rule Stage

126. Temporary Employment of H-2B Foreign Workers in the United States [1205-AB93]

Legal Authority: 8 U.S.C. 1184; 8 U.S.C. 1103; sec. 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii); 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101-238; 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102-232, 105 Stat. 733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103-206, 107 Stat. 2428; sec. 412(e); Pub. L. 105-277, 112 Stat. 2681 (8

U.S.C. 1182 note); sec. 2(d), Pub. L. 106-95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 107-296, 116 Stat. 2135, as amended; Pub. L. 109-423, 120 Stat. 2900; . . .

Abstract: The United States Department of Labor's (DOL) Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly proposing to update the H-2B visa program regulations at 20 CFR part 655, subpart A, the related prevailing wage regulations at 20 CFR 656, and 8 CFR 214 governing the certification of the employment of H-2B non-immigrant workers in temporary or seasonal non-agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers and U.S. workers in corresponding employment. Specifically, the Notice of Proposed Rulemaking (NPRM) would update the process by which employers seeking to employ H-2B workers would obtain temporary certification from DOL for use in petitioning DHS to employ a nonimmigrant worker in H-2B status. The updates would also establish standards and procedures for employers seeking to hire foreign temporary non-agricultural workers for certain itinerant job opportunities, including entertainers, tree planting, and utility vegetation management.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* pasternak.brian@dol.gov.

RIN: 1205-AB93

127. Improving Protections for Workers in Temporary Agricultural Employment in the United States [1205-AC12]

Legal Authority: 8 U.S.C. 1188; 29 U.S.C. 49 *et seq.*

Abstract: The Department of Labor's (DOL) Employment and Training Administration and Wage and Hour Division propose to amend regulations to improve working conditions and protections for workers engaged in temporary agricultural employment in the United States; and strengthen protections in the recruitment, job order clearance, and oversight processes. The proposed regulatory changes involve the Employment Service and the H-2A non-immigrant visa program at 29 CFR part 501 and 20 CFR parts 651, 653, 654, 655, and 658.

The Department has identified a need to strengthen and clarify protections for all temporary agricultural workers, including U.S. workers and workers employed through the H-2A temporary agricultural program. The H-2A temporary agricultural program allows agricultural employers to perform agricultural labor or services of a temporary or seasonal nature so long as there are not sufficient able, willing, and qualified U.S. workers to perform the work and the employment of H-2A workers does not adversely affect the wages and working conditions of similarly employed workers in the United States. The use of the H-2A program has grown substantially in recent years and the Department is committed to protecting agricultural workers in light of their significant vulnerabilities.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* pasternak.brian@dol.gov.

RIN: 1205-AC12

DEPARTMENT OF LABOR (DOL)*Employee Benefits Security Administration (EBSA)*

Completed Actions

128. Implement Secure Act and Related Revisions to Employee Benefit Plan Annual Reporting on the Form 5500 [1210-AB97]

Legal Authority: 29 U.S.C. 1021, 1023–24, 1026–27, and 1029–30; 29 U.S.C. 1135

Abstract: This regulatory action would implement SECURE Act and related changes to the Form 5500 Annual Return/Report of Employee Benefit Plan and annual reporting regulations under ERISA.

Timetable:

Action	Date	FR Cite
NPRM	09/15/21	86 FR 51284
NPRM Comment Period End.	11/01/21	
Notice of Proposed Forms Revision.	09/15/21	86 FR 51488
Notice of Proposed Forms Revision Comment Period End.	11/01/21	
Final Rule Phase I.	12/29/21	86 FR 73976
Final Rule Phase II.	05/23/22	87 FR 31133
Final Rule Phase III.	02/24/23	88 FR 11793
Final Rule Phase III Effective.	04/25/23	
Final Forms Revisions.	02/24/23	88 FR 11984
Final Forms Effective (for plan years beginning on or after 1/1/2023).	01/01/23	
Final Rule; Technical Correction (Change to Operational Date).	05/18/23	88 FR 31608
Final Rule; Technical Correction Effective.	05/31/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeffrey J. Turner, Deputy Director, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, FP Building, Room N–5655, Washington, DC 20210, *Phone:* 202 693–8500.

RIN: 1210-AB97

DEPARTMENT OF LABOR (DOL)*Occupational Safety and Health Administration (OSHA)*

Prerule Stage

129. Process Safety Management and Prevention of Major Chemical Accidents [1218-AC82]

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Abstract: The Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA completed SBREFA in August 2016.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA .. SBREFA Report Completed.	06/08/15 08/01/16	
Stakeholder Meeting.	10/12/22	
Analyze Comments.	11/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AC82

130. Prevention of Workplace Violence in Health Care and Social Assistance [1218-AD08]

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: The Request for Information (RFI) (published on December 7, 2016, 81 FR 88147) provides OSHA's history with the issue of workplace violence in health care and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, the agency's use of 5(a)(1) in enforcement cases in health care. The RFI solicited information primarily from health care employers, workers and other subject

matter experts on impacts of violence, prevention strategies, and other information that will be useful to the agency. OSHA was petitioned for a standard preventing workplace violence in health care by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions. OSHA is preparing for SBREFA.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA .. Complete SBREFA.	12/29/22 05/01/23	
Analyze SBREFA Report.	12/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AD08

DEPARTMENT OF LABOR (DOL)*Occupational Safety and Health Administration (OSHA)*

Proposed Rule Stage

131. Infectious Diseases [1218-AC46]

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles, as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS), the 2019 Novel Coronavirus (COVID–19), and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), COVID–19, and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is examining regulatory alternatives for control

measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	76 FR 39041
Stakeholder Meetings.	07/05/11	
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM	03/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AC46

132. Communication Tower Safety [1218-AC90]

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2015 Request for Information (RFI), OSHA concluded that current OSHA

requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (e.g., buildings, rooftops, water towers, billboards).

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/11/18	
NPRM	03/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Scott Ketcham, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Room N-3468, FP Building, Washington, DC 20210, *Phone:* 202 693-2020, *Fax:* 202 693-1689, *Email:* ketcham.scott@dol.gov.

RIN: 1218-AC90

133. Emergency Response [1218-AC91]

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657; 5 U.S.C. 609

Abstract: OSHA currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, and other workers providing skilled support, nor do they reflect major changes in performance specifications for protective clothing and equipment. The agency acknowledges that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards

with information gathered through an RFI and public meetings.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	08/02/21	
Finalize SBREFA NPRM	12/02/21 11/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

RIN: 1218-AC91

134. Tree Care Standard [1218-AD04]

Legal Authority: Not Yet Determined

Abstract: There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard, including the scope of the standard, effective work practices, and arboricultural specific uses of equipment to guide OSHA in developing a rule that would best address industry safety and health concerns. Tree care continues to be a high-hazard industry.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	01/10/20	
Complete SBREFA.	05/22/20	
NPRM	12/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

Avenue NW, FP Building, Room N–
3718, Washington, DC 20210, *Phone:*

202 693–1950, *Email:* levinson.andrew@dol.gov

RIN: 1218–AD04

[FR Doc. 2023–14548 Filed 7–26–23; 8:45 am]

BILLING CODE 4510–HL–P



FEDERAL REGISTER

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[DOT–OST–1999–5129]

Department Regulatory and
Deregulatory Agenda; Semiannual
Summary

AGENCY: Office of the Secretary,
Department of Transportation.

ACTION: Unified Agenda of Federal
Regulatory and Deregulatory Actions
(Regulatory Agenda).

SUMMARY: The Regulatory Agenda is a
semiannual summary of all current and
projected rulemakings, reviews of
existing regulations, and completed
rulemaking actions of the Department of
Transportation (DOT). The Regulatory
Agenda provides the public with
information about DOT’s planned
regulatory activity for the next 12
months. This information enables the
public to participate in the Department’s
regulatory process. The public is
encouraged to submit comments on any
aspect of this Regulatory Agenda.

FOR FURTHER INFORMATION CONTACT:
Please direct all general comments and
inquiries on the Regulatory Agenda to
Daniel Cohen, Assistant General
Counsel for Regulation, Office of the
General Counsel, Department of
Transportation, 1200 New Jersey
Avenue SE, Washington, DC 20590;
(202) 366–4702. Please direct all
comments and inquiries relative to
specific items in the Regulatory Agenda
to the individual listed in the summary
of each regulation.

To obtain a copy of a specific
regulatory document in the Regulatory

Agenda, you should communicate
directly with the contact person listed
with the regulation. We note that most
such documents, including the
Semiannual Regulatory Agenda, are
available through the internet at [http://
www.regulations.gov](http://www.regulations.gov).

SUPPLEMENTARY INFORMATION:

Purpose

The Department is publishing this
Regulatory Agenda in the **Federal
Register** to share with interested
members of the public the Department’s
preliminary expectations regarding its
future regulatory actions. The
information contained in the Regulatory
Agenda should enable the public to be
aware of the Department’s planned
regulatory activities and should result in
more effective public participation. This
publication in the **Federal Register** does
not impose any binding obligation on
the Department or any of the offices
within the Department about any
specific item on the Regulatory Agenda.
Regulatory action, in addition to the
items listed, is not precluded.

Request for Comments

General

DOT’s Regulatory Agenda is intended
primarily for the use of the public. Since
its inception, the Department has made
modifications and refinements that
provide the public with more helpful
information, as well as making the
Regulatory Agenda easier to use. We
would like you, the public, to make
suggestions or comments on how the
Regulatory Agenda could be further
improved.

Regulatory Flexibility Act

The Department has long recognized
the importance of regularly reviewing
its existing regulations to determine
whether they need to be revised or
revoked. Our Regulatory Policies and
Procedures require such reviews. DOT
also has responsibilities under section
610 of the Regulatory Flexibility Act,
Executive Order 12866, “Regulatory
Planning and Review,” and Executive
Order 13563, “Improving Regulation
and Regulatory Review,” 76 FR 3821

(January 18, 2011) to conduct such
reviews. We are committed to
continuing our reviews of existing rules
and, if it is needed, will initiate
rulemaking actions based on these
reviews. Generally, each DOT operating
administration divides its rules into 10
different groups and plans to analyze
one group each year. In each Fall
Regulatory Agenda, each operating
administration will publish the results
of the analyses it has completed during
the previous year. The most recent
results appeared in the Department’s
2022 Fall Regulatory Agenda Preamble,
which was published in the **Federal
Register** on February 22, 2023. The
Department is interested in obtaining
information on requirements that have a
“significant economic impact on a
substantial number of small entities”
and, therefore, must be reviewed under
the Regulatory Flexibility Act. If you
have any suggested regulations, please
submit them to the Department, along
with your explanation of why they
should be reviewed.

*Consultation With State, Local, and
Tribal Governments*

Executive Orders 13132 and 13175
require the Department to develop a
process to ensure “meaningful and
timely input” by State, local, and Tribal
officials in the development of
regulatory policies that have federalism
or tribal implications. These policies are
defined in the Executive orders to
include regulations that have
“substantial direct effects” on States or
Indian Tribes, on the relationship
between the Federal Government and
them, or on the distribution of power
and responsibilities between the Federal
Government and various levels of
Government or Indian tribes. Therefore,
we encourage State and local
Governments or Indian Tribes to
provide us with information about how
the Department’s rulemakings impact
them.

John Edward Putnam,

*General Counsel, Department of
Transportation.*

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
135	++ A Refunding Airline Tickets and Fees for Delayed Checked Bags and Ancillary Services That are not Provided.	2105–AF04

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
136	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review) (Section 610 Review) .	2120-AK77

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
137	+ Registration and Marking Requirements for Small Unmanned Aircraft	2120-AK82

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
138	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots	2120-AJ78
139	+ Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120-AK09
140	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization).	2120-AK26
141	+ Aircraft Registration and Airmen Certification Fees	2120-AK37
142	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) ..	2120-AK57

+ DOT-designated significant regulation.

FEDERAL AVIATION ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
143	+ Airport Safety Management System	2120-AJ38

+ DOT-designated significant regulation.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
144	Self-Insurance Program Cost Recovery (Section 610 Review)	2126-AC58

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
145	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126-AA35

+ DOT-designated significant regulation.

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
146	+ Train Crew Staffing	2130-AC88

+ DOT-designated significant regulation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
147	Seaway Regulations and Rules: Periodic Update, Various Categories (Completion of a Section 610 Review) .	2135-AA51
148	Tariff of Tolls (Completion of a Section 610 Review)	2135-AA52

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
149	Seaway Regulations and Rules: Periodic Update, Various Categories (Completion of a Section 610 Review) .	2135-AA53
150	Tariff of Tolls (Completion of a Section 610 Review)	2135-AA54

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
151	Pipeline Safety: Gas Pipeline Leak Detection and Repair	2137-AF51
152	+ Pipeline Safety: Pipeline Operational Status	2137-AF52
153	+ Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives	2137-AF53

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
154	+ Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018).	2137-AF20

+ DOT-designated significant regulation.

MARITIME ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
155	+ Cargo Preference—U.S. Flag Vessels Regulatory Update (Section 610 Review)	2133-AB97
156	+ Amendment to the Federal Ship Financing Program Regulations; Financial Requirements (Section 610 Review) .	2133-AB98

+ DOT-designated significant regulation.

MARITIME ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
157	+ Establishing Safe and Secure Merchant Marine Training (Section 610 Review)	2133-AB99

+ DOT-designated significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

135. ++ A Refunding Airline Tickets and Fees for Delayed Checked Bags and Ancillary Services That Are Not Provided [2105-AF04]

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101, 49 U.S.C. 41702

Abstract: The Department of Transportation has consistently interpreted 49 U.S.C. 41712, which prohibits U.S. air carriers, foreign air carriers, and ticket agents from engaging in unfair practices in the sale of air transportation, to require carriers and ticket agents to provide requested refunds to passengers when a carrier cancels or significantly changes a flight

to, from, or within the United States. This rulemaking would clarify that, under the Department's rule requiring airlines to provide prompt refunds when ticket refunds are due and its rule requiring ticket agents to make refunds promptly when service cannot be performed as contracted, carriers and ticket agents must provide prompt ticket refunds to passengers when a carrier cancels or makes a significant change to a flight. This rulemaking would define cancellation and significant change, including addressing whether new itineraries involving delays of a certain length or additional stops constitute a significant change requiring a refund. This rulemaking would also address protections for consumers who are unable to travel due to government restrictions. In addition, the rulemaking under RIN 2105-AE53 has been merged

into this rulemaking. As such, this rulemaking would also require airlines to refund checked baggage fees when they fail to deliver the bags in a timely manner as provided by the FAA Extension, Safety and Security Act of 2016, and require airlines to promptly provide a refund to a passenger of any ancillary fees paid for services that the passenger did not receive as provided by the FAA Reauthorization Act of 2018.

Timetable:

Action	Date	FR Cite
NPRM	08/22/22	87 FR 51550
NPRM Comment Period End.	03/28/23	
Final Rule	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-9342, *Fax:* 202 366-7153, *Email:* blane.workie@dot.gov.
RIN: 2105-AF04

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

136. Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review) (Section 610 Review) [2120-AK77]

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114-190).

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis

Required: No.

Agency Contact: Juan Yanguas, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-1082, *Email:* juan.s.yanguas@faa.gov.

RIN: 2120-AK77

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

137. +Registration and Marking Requirements for Small Unmanned Aircraft [2120-AK82]

Legal Authority: 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

Abstract: This rulemaking would provide an alternative, streamlined and

simple, web-based aircraft registration process for the registration of small, unmanned aircraft, including small unmanned aircraft operated exclusively for limited recreational operations, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small, unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593
Interim Final Rule Effective.	12/21/15	
OMB approval of information collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule	02/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Bonnie Lefko, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Boulevard, Registry Building 26, Room 118, Oklahoma City, OK 73169, *Phone:* 866 762-9434, *Email:* bonnie.lefko@faa.gov.

RIN: 2120-AK82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

138. +Regulation of Flight Operations Conducted by Alaska Guide Pilots [2120-AJ78]

Legal Authority: 49 U.S.C. 106(g) ; 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507;

49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Statue 1180; P.L. 106-181, Sec. 732

Abstract: The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (Pub. L. 106-181).

Timetable: Next Action

Undetermined.

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jeff Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 365-3617, *Email:* jeffrey.smith@faa.gov.

RIN: 2120-AJ78

139. +Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States [2120-AK09]

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631

Action	Date	FR Cite
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Julia Brady, Program Analyst, Program Policy Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8083, *Email:* julia.brady@faa.gov.

RIN: 2120–AK09

140. +Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization) [2120–AK26]

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

Abstract: This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Chester Piolunek, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–3711, *Email:* chester.piolunek@faa.gov.

RIN: 2120–AK26

141. +Aircraft Registration and Airmen Certification Fees [2120–AK37]

Legal Authority: 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C.

40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108–297, 118 Stat.

Abstract: This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

Timetable:

Action	Date	FR Cite
Next Action Undetermined.		To Be Determined

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–8994, *Email:* isra.raza@faa.gov.

RIN: 2120–AK37

142. +Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) [2120–AK57]

Legal Authority: 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

Abstract: This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aid in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue

to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112–95).

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Chris Holliday, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267–4552, *Email:* chris.holliday@faa.gov.

RIN: 2120–AK57

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Completed Actions

143. +Airport Safety Management System [2120–AJ38]

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule	02/23/23	88 FR 11642

Action	Date	FR Cite
Final Rule Effective.	04/24/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Schroeder, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-4974, *Email:* james.schroeder@faa.gov.

RIN: 2120-AJ38

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

144. Self-Insurance Program Cost Recovery (Section 610 Review) [2126-AC58]

Legal Authority: 31 U.S.C. 9701 and 49 U.S.C. 13906(d); 49 U.S.C. 13908(d)

Abstract: FMCSA will propose to amend fees collected for the processing of new self-insurance applications and add new fees for ongoing monitoring of carrier compliance with the self-insurance program requirements. Application fees will be directed to FMCSA's Licensing and Insurance (L&I) Account while monitoring fees must be sent to the Treasury. This rulemaking will amend 49 CFR 360.3T/360.3 to ensure that the limited number of primarily large motor carriers that benefit from the program bear a proportionate cost of participating in the program. FMCSA may also need to amend 49 CFR 360.5T/360.5 to reflect any specific updates to the user fee methodology that are required by this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Kenneth Riddle, Office Director, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, W65-308, Washington, DC 20590, *Phone:* 202 366-9616, *Email:* kenneth.riddle@dot.gov.

RIN: 2126-AC58

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

145. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States [2126-AA35]

Legal Authority: Pub. L. 107-87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent to Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Stella, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0192, *Email:* sarah.stella@dot.gov.
RIN: 2126-AA35

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

146. +Train Crew Staffing [2130-AC88]

Legal Authority: 49 CFR 1.89(a); 49 U.S.C. 20103

Abstract: This rulemaking would address the potential safety impact of one-person train operations, including appropriate measures to mitigate an accident's impact and severity, and the patchwork of State laws concerning minimum crew staffing requirements. This rulemaking would address the issue of minimum requirements for the size of train crews, depending on the type of operations.

Timetable:

Action	Date	FR Cite
NPRM	07/28/22	87 FR 45564
NPRM Comment Period End.	12/21/22	
Final Rule	02/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amanda Maizel, Attorney-Adviser, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493-8014, *Email:* amanda.maizel@dot.gov.
RIN: 2130-AC88

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions

147. Seaway Regulations and Rules: Periodic Update, Various Categories (Completion of a Section 610 Review) [2135-AA51]

Legal Authority: 33 U.S.C. 981 *et seq.*
Abstract: The Great Lakes St.

Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation

(SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories.

Timetable:

Action	Date	FR Cite
Final Action	03/07/22	87 FR 12590
Final Rule Effective.	03/21/22	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0091, *Email:* michal.chwedczuk@dot.gov.

RIN: 2135-AA51

148. Tariff of Tolls (Completion of a Section 610 Review) [2135-AA52]

Legal Authority: 33 U.S.C. 981 *et seq.*
Abstract: The Great Lakes St.

Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the GLS and the SLSMC.

Timetable:

Action	Date	FR Cite
Final Action	03/02/22	87 FR 11585
Final Rule Effective.	03/02/22	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0091, *Email:* michal.chwedczuk@dot.gov.

RIN: 2135-AA52

149. Seaway Regulations and Rules: Periodic Update, Various Categories (Completion of a Section 610 Review) [2135-AA53]

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Great Lakes St. Lawrence Seaway Development

Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories.

Timetable:

Action	Date	FR Cite
Final Rule	03/08/23	88 FR 14266
Final Rule Effective.	03/22/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0091, *Email:* michal.chwedczuk@dot.gov.

RIN: 2135-AA53

150. Tariff of Tolls (Completion of a Section 610 Review) [2135-AA54]

Legal Authority: 33 U.S.C. 981 *et seq.*

Abstract: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the GLS and the SLSMC.

Timetable:

Action	Date	FR Cite
Final Action	03/13/23	88 FR 15274
Final Action; Correction.	03/20/23	88 FR 16556
Final Rule Effective.	03/22/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0091, *Email:* michal.chwedczuk@dot.gov.

RIN: 2135-AA54

BILLING CODE 4910-61-P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

151. Pipeline Safety: Gas Pipeline Leak Detection and Repair [2137-AF51]

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would amend the pipeline safety regulations to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines. The proposed rule is necessary to respond to a mandate from section 113 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

Timetable:

Action	Date	FR Cite
NPRM	05/18/23	88 FR 31890
NPRM Comment Period End.	07/17/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sayler Palabrica, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, District of Columbia, DC 20590, *Phone:* 202 366-0559, *Email:* sayler.palabrica@dot.gov.

RIN: 2137-AF51

152. +Pipeline Safety: Pipeline Operational Status [2137-AF52]

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would amend the pipeline safety regulations to define an idled operational status for natural gas and hazardous liquid pipelines that are temporarily removed from service, set operations and maintenance requirements for idled pipelines, and establish inspection requirements for idled pipelines that are returned to service. The proposed rule is necessary to respond to a mandate from the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sayler Palabrica, Department of Transportation, Pipeline and Hazardous Materials Safety

Administration, 1200 New Jersey Avenue SE, District of Columbia, DC 20590, Phone: 202 366-0559, Email: sayler.palabrica@dot.gov, RIN: 2137-AF52

153. +Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives [2137-AF53]

Legal Authority: 49 U.S.C. 60101 et seq.

Abstract: This rulemaking would amend the pipeline safety regulations to enhance the safety requirements for gas distribution pipelines. The proposed rule is necessary to respond to several mandates from title II of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020).

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashlin Bollacker, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington DC 20590, Phone: 202 366-4203, Email: ashlin.bollacker@dot.gov, RIN: 2137-AF53

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Completed Actions

154. +Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018) [2137-AF20]

Legal Authority: 49 U.S.C. 44701; 49 U.S.C. 5103(b); 49 U.S.C. 5120(b)

Abstract: This rulemaking amends the Hazardous Materials Regulations (HMR) to: (1) prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) require all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (3) limit the use of alternative provisions for small lithium cell or battery to one package per consignment. The amendments do not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft, or restrict the air transport of lithium ion cells or batteries when packed with

or contained in equipment. To accommodate persons in areas potentially not serviced daily by cargo aircraft, PHMSA provides a limited exception for not more than two replacement lithium cells or batteries specifically used for medical devices to be transported by passenger aircraft and at a state of charge greater than 30 percent, under certain conditions and as approved by the Associate Administrator. This rulemaking is necessary to meet the FAA Reauthorization Act of 2018, address a safety hazard, and harmonize the HMR with emergency amendments to the 2015-2016 edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/19	84 FR 8006
Interim Final Rule Effective.	03/06/19	
Interim Final Rule Comment Period End.	05/06/19	
Final Rule	12/21/22	87 FR 77995
Final Rule Effective.	01/20/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eugenio Cardez, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366-8553, Email: eugenio.cardez@dot.gov, RIN: 2137-AF20

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Proposed Rule Stage

155. • +Cargo Preference—U.S. Flag Vessels Regulatory Update (Section 610 Review) [2133-AB97]

Legal Authority: FY23 NDAA, Pub. L. 117-263; 46 U.S.C. 55305; 49 CFR 1.93(a)

Abstract: The purpose of this rulemaking is to respond to a statutory directive in section 3502 of the National Defense Authorization Act for Fiscal Year 2023 (FY23 NDAA) requiring MARAD to issue a final rule to implement and enforce the cargo preference requirements in 46 U.S.C. 55305(d).

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Thomas Mitchell Hudson, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366-9373, Email: mitch.hudson@dot.gov.

RIN: 2133-AB97

156. • +Amendment to the Federal Ship Financing Program Regulations; Financial Requirements (Section 610 Review) [2133-AB98]

Legal Authority: National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92; 46 U.S.C. ch. 537; 49 CFR 1.93(a)

Abstract: The proposed rule is intended to update the lending parameters in the current regulations, which no longer best achieve the intended purpose of minimizing the risk of Title XI Program defaults, and to better align the lending practices to reflect federal credit and maritime lending best practices. MARAD expects that the proposed regulations will reduce the economic burden on applicants in complying with Title XI Program requirements that are inconsistent with other lending instruments. MARAD also expects that the updated lending parameters could encourage the construction of vessels in United States shipyards which otherwise would not meet the current constrained Title XI Program financial requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/25/23	88 FR 24962
NPRM Comment Period End.	06/26/23	
Final Rule	09/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Mitch Hudson, Attorney, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366-9373, Email: mitch.hudson@dot.gov.

RIN: 2133-AB98

DEPARTMENT OF TRANSPORTATION
(DOT)

Maritime Administration (MARAD)
Final Rule Stage

157. • +Establishing Safe and Secure
Merchant Marine Training (Section 610
Review) [2133-AB99]

Legal Authority: FY23 NDAA, Pub. L.
117-263; 46 U.S.C. chapter 513; 49 CFR
1.93(a)

Abstract: The purpose of this
regulation is to improve the safety and

efficiency of the United States merchant
marine through the prevention of, and
response to, sexual harassment, dating
violence, domestic violence, and sexual
assault onboard vessels on which
merchant marine cadets are embarked
for training purposes.

Timetable:

Action	Date	FR Cite
Final Action	07/00/23	

Regulatory Flexibility Analysis
Required: Undetermined.

Agency Contact: Thomas Mitchell
Hudson, Department of Transportation,
Maritime Administration, 1200 New
Jersey Avenue SE, Washington, DC
20590, Phone: 202 366-9373, Email:
mitch.hudson@dot.gov.

RIN: 2133-AB99

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Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY**31 CFR Subtitles A and B****Semiannual Agenda****AGENCY:** Department of the Treasury.**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 ("Regulatory Planning and Review"), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has

issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov and www.regulations.gov, in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because

they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Michael Briskin,

Deputy Assistant General Counsel for General Law and Regulation.

BUREAU OF THE FISCAL SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
158	Revision of the Federal Claims Collection Standards (31 CFR Parts 900–904) (Section 610 Review)	1530-AA29

FINANCIAL CRIMES ENFORCEMENT NETWORK—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
159	Section 6101. Establishment of National Exam and Supervision Priorities	1506-AB52
160	Residential Real Estate Transaction Reports and Records	1506-AB54
161	Revisions to Customer Due Diligence Requirements for Financial Institutions	1506-AB60

FINANCIAL CRIMES ENFORCEMENT NETWORK—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
162	Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group.	1506-AB51
163	Beneficial Ownership Information Access and Safeguards, and Use of FinCEN Identifiers for Entities	1506-AB59

FINANCIAL CRIMES ENFORCEMENT NETWORK—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
164	Amendments to the Definition of Broker or Dealer in Securities (Crowd Funding)	1506-AB36
165	Clarification of the Requirement to Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status.	1506-AB41
166	Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets	1506-AB47
167	Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts.	1506-AB50
168	Commercial Real Estate Transaction Reports and Records	1506-AB61

CUSTOMS REVENUE FUNCTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
169	Enforcement of Copyrights and the Digital Millennium Copyright Act	1515-AE26

INTERNAL REVENUE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
170	Guidance on the Elimination of Interbank Offered Rates	1545–BO91
171	MEPs and the Unified Plan Rule	1545–BO97

INTERNAL REVENUE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
172	Information Reporting of Health Insurance Coverage and Other Issues Under Sections 6055 and 6056	1545–BQ11

DEPARTMENT OF THE TREASURY (TREAS)*Bureau of the Fiscal Service (FISCAL)*

Proposed Rule Stage

158. • Revision of the Federal Claims Collection Standards (31 CFR Parts 900–904) (Section 610 Review) [1530–AA29]*Legal Authority:* 31 U.S.C. 3711

Abstract: The Department of Justice jointly with the Department of the Treasury will revise the Federal Claims Collection Standards to address statutory changes and to improve clarity of existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Michelle Cordeiro, Senior Counsel, Department of the Treasury, Bureau of the Fiscal Service, 401 14th Street SW, Washington, DC 20227, *Phone:* 202 874–6680, *Email:* michelle.cordeiro@fiscal.treasury.gov, *RIN:* 1530–AA29

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY (TREAS)*Financial Crimes Enforcement Network (FINCEN)*

Proposed Rule Stage

159. Section 6101. Establishment of National Exam and Supervision Priorities [1506–AB52]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a Notice of Proposed Rulemaking (NPRM) as part of the establishment of national exam and supervision priorities. The proposed rule implements Section

6101(b) of the Anti-Money Laundering Act of 2020 (AML Act), enacted into law as part of the National Defense Authorization Act for Fiscal Year 2021 (NDAA), that requires the Secretary of the Treasury (Secretary) to issue and promulgate rules for financial institutions to carry out the government-wide anti-money laundering and countering the financing of terrorism priorities (AML/CFT Priorities). The proposed rule: (i) incorporates a risk assessment requirement for financial institutions; (ii) requires financial institutions to incorporate AML/CFT Priorities into risk-based programs; and (iii) provides for certain technical changes. Once finalized, this proposed rule will affect all financial institutions subject to regulations under the Bank Secrecy Act and have AML/CFT program obligations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/23	
NPRM Comment Period End.	02/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767–2825, *Email:* frc@fincen.gov.

RIN: 1506–AB52**160. Residential Real Estate Transaction Reports and Records [1506–AB54]**

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a Notice of Proposed Rulemaking (NPRM) to address money laundering threats in the U.S. residential real estate sector.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/21	86 FR 69589
ANPRM Comment Period End.	02/07/22	
NPRM	08/00/23	
NPRM Comment Period End.	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767–2825, *Email:* frc@fincen.gov.

RIN: 1506–AB54**161. Revisions to Customer Due Diligence Requirements for Financial Institutions [1506–AB60]**

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue an NPRM entitled Revisions to Customer Due Diligence Requirements for Financial Institutions, relating to Section 6403(d) of the Corporate Transparency Act (CTA). The CTA was enacted into law as part of the National Defense Authorization Act for Fiscal Year 2021 (NDAA). Section 6403(d) of the CTA requires FinCEN to revise its customer due diligence (CDD) requirements for financial institutions to account for the changes created by the two other rulemakings FinCEN is required to issue pursuant to the CTA. With regard to the first required rulemaking, FinCEN issued a final rule entitled “Beneficial Ownership Information Reporting Requirements” (BOI reporting rule). The second required rulemaking relates to access by authorized recipients to beneficial ownership information (BOI) that will be reported to FinCEN and the use of FinCEN identifiers. FinCEN previously issued an ANPRM entitled Beneficial Ownership Information Reporting Requirements on April 5, 2021, that solicited comments on a wide range of

questions that concerned all three rulemakings. FinCEN also previously issued a Notice of Proposed Rulemaking with the same title on December 8, 2021 (BOI Reporting NPRM) that addressed only the first of the three rulemakings, but the comments FinCEN received related to all three subjects. The proposed rule reflects FinCEN's consideration of public comments that have been received in response to the ANPRM and BOI Reporting NPRM. The CTA requires that the revisions to the CDD requirements be finalized within one year after the effective date of the BOI reporting rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
NPRM Comment Period End.	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Phone: 800 767-2825, Email: frc@fincen.gov.

RIN: 1506-AB60

DEPARTMENT OF THE TREASURY (TREAS)

Financial Crimes Enforcement Network (FINCEN)

Final Rule Stage

162. Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group [1506-AB51]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a Final Rule in order to implement Section 6212 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5318(g)) to establish a pilot program that permits financial institutions to share suspicious activity report (SAR) information with their foreign branches, subsidiaries, and affiliates for the purpose of combating illicit finance risks. The section further requires the Secretary of the Treasury to issue rules to implement the amendment within one year of enactment of the AML Act.

Timetable:

Action	Date	FR Cite
NPRM	01/25/22	87 FR 3719
NPRM Comment Period End.	03/28/22	
Final Rule	11/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Phone: 800 767-2825, Email: frc@fincen.gov.

RIN: 1506-AB51

163. Beneficial Ownership Information Access and Safeguards, and Use of FinCEN Identifiers for Entities [1506-AB59]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a final rule entitled Beneficial Ownership Information Access and Safeguards, and Use of FinCEN Identifiers for Entities. The proposed regulations will establish protocols to protect the security and confidentiality of the beneficial ownership information (BOI) that will be reported to FinCEN pursuant to Section 6403 of the Corporate Transparency Act (CTA), and will establish the framework for authorized recipients' access to the BOI reported. The final rule will also specify when and how reporting companies can use FinCEN identifiers to report the BOI of entities. The CTA was enacted into law as part of the National Defense Authorization Act for Fiscal Year 2021 (NDAA). This rule is the second of three rulemakings FinCEN is required to issue under the CTA. With regard to the first required rulemaking, FinCEN issued a final rule entitled "Beneficial Ownership Information Reporting Requirements" (BOI reporting rule).

The third required rulemaking will revise the customer due diligence (CDD) requirements for financial institutions. FinCEN previously issued an Advance Notice of Proposed Rulemaking (ANPRM) entitled Beneficial Ownership Information Reporting Requirements on April 5, 2021, that solicited comments on a wide range of questions that concerned all three rulemakings. FinCEN also previously issued a Notice of Proposed Rulemaking with the same title on December 8, 2021 (BOI Reporting NPRM) that addressed only the first of the three rulemakings, but the comments FinCEN received related to all three subjects. This rule reflects FinCEN's consideration of public comments that have been received in

response to the ANPRM and BOI Reporting NPRM, as well as to the NPRM for Beneficial Ownership Information Access and Safeguards.

Timetable:

Action	Date	FR Cite
NPRM	12/16/22	87 FR 77404
NPRM Comment Period End.	02/14/23	
Final Action	09/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, Phone: 800 767-2825, Email: frc@fincen.gov.

RIN: 1506-AB59

DEPARTMENT OF THE TREASURY (TREAS)

Financial Crimes Enforcement Network (FINCEN)

Long-Term Actions

164. Amendments to the Definition of Broker or Dealer in Securities (Crowd Funding) [1506-AB36]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5332

Abstract: FinCEN is finalizing amendments to the regulatory definitions of "broker or dealer in securities" under the regulations implementing the Bank Secrecy Act. The changes are intended to expand the current scope of the definitions to include funding portals involved in the offering or selling of securities through crowdfunding pursuant to section 4(a)(6) of the Securities Act of 1933. In addition, these amendments would require funding portals to implement policies and procedures reasonably designed to achieve compliance with all of the Bank Secrecy Act requirements that are currently applicable to brokers or dealers in securities. The rule to require these organizations to comply with the Bank Secrecy Act regulations is intended to help prevent money laundering, terrorist financing, and other financial crimes.

Note: This is not a new requirement; it replaces RINs 1506-AB24 and 1506-AB29.

Timetable:

Action	Date	FR Cite
NPRM	04/04/16	81 FR 19086

Action	Date	FR Cite
NPRM Comment Period End.	06/03/16	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, *Phone:* 800 767-2825, *Email:* frc@fincen.gov.

RIN: 1506-AB36

165. Clarification of the Requirement To Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status [1506-AB41]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: The Board of Governors of the Federal Reserve System and FinCEN (collectively, the “Agencies”) intend to issue a revised proposal to clarify the meaning of “money” as used in the rules implementing the Bank Secrecy Act requiring financial institutions to collect, retain, and transmit information on certain funds transfers and transmittals of funds. The Agencies intend that the revised proposal will ensure that the rules apply to domestic and cross-border transactions involving convertible virtual currency, which is a medium of exchange (such as cryptocurrency) that either has an equivalent value as currency, or acts as a substitute for currency, but lacks legal tender status. The Agencies further intend that the revised proposal will clarify that these rules apply to domestic and cross-border transactions involving digital assets that have legal tender status.

Timetable:

Action	Date	FR Cite
NPRM	10/27/20	85 FR 68005
NPRM Comment Period End.	11/27/20	
Second NPRM	06/00/24	
Second NPRM Comment Period End.	08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, *Phone:* 800 767-2825, *Email:* frc@fincen.gov.

RIN: 1506-AB41

166. Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets [1506-AB47]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN is amending the regulations implementing the Bank Secrecy Act (BSA) to require banks and money service businesses (MSBs) to submit reports, keep records, and verify the identity of customers in relation to transactions involving convertible virtual currency (CVC) or digital assets with legal tender status (“legal tender digital assets” or “LTDA”) held in unhosted wallets, or held in wallets hosted in a jurisdiction identified by FinCEN.

Timetable:

Action	Date	FR Cite
NPRM	12/23/20	85 FR 83840
NPRM Comment Period End.	01/04/21	
Final Action	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, *Phone:* 800 767-2825, *Email:* frc@fincen.gov.

RIN: 1506-AB47

167. Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts [1506-AB50]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a Notice of Proposed Rulemaking to implement Section 6110 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5312(a)(2)) to include as a financial institution a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary of the Treasury. The section further requires the Secretary of the Treasury to issue proposed rules to implement the amendment within 360 days of enactment of the AML Act.

Timetable:

Action	Date	FR Cite
ANPRM	09/24/21	86 FR 53021
ANPRM Comment Period End.	10/25/21	

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, *Phone:* 800 767-2825, *Email:* frc@fincen.gov.

RIN: 1506-AB50

168. • Commercial Real Estate Transaction Reports And Records [1506-AB61]

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1960; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

Abstract: FinCEN intends to issue a Notice of Proposed Rulemaking (NPRM) to address money laundering threats in the U.S. commercial real estate sector.

Timetable:

Action	Date	FR Cite
NPRM	09/00/24	
NPRM Comment Period End.	11/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* frc@fincen.gov.

RIN: 1506-AB61

BILLING CODE 4810-02-P

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Final Rule Stage

169. Enforcement of Copyrights and the Digital Millennium Copyright Act [1515-AE26]

Legal Authority: Title III of the Trade Facilitation and Trade Enforcement Act of 2015 (Pub. L. 114-125); 19 U.S.C. 1595a(c)(2)(G); 19 U.S.C. 1624

Abstract: This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

Timetable:

Action	Date	FR Cite
NPRM	10/16/19	84 FR 55251

Action	Date	FR Cite
NPRM Comment Period End.	12/16/19	
Final Rule	07/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Alaina Van Horn, Chief, Intellectual Property Enforcement Branch, Department of the Treasury, Customs Revenue Function, 1331 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 325-0083, *Email:* alaina.vanhorn@cbp.dhs.gov.

RIN: 1515-AE26

BILLING CODE 9111-14-P

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

170. Guidance on the Elimination of Interbank Offered Rates [1545-BO91]

Legal Authority: 26 U.S.C. 882c and 7805; 26 U.S.C. 7805

Abstract: The final regulations will provide guidance on the tax consequences of the phased elimination of interbank offered rates (IBORs) that is underway in the United States and many foreign countries. Taxpayers have requested guidance that addresses the transition from IBOR to other reference rates and the determination of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/09/19	84 FR 54068
NPRM Comment Period End.	11/25/19	
Final Action (TD 9961).	01/04/22	87 FR 166
Final Action Effective.	03/07/22	
Final Action	06/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Caleb Trimm, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW, Room 4579, Washington, DC 20224, *Phone:* 202 317-6002, *Fax:* 855 589-8672, *Email:* caleb.w.trimmm2@irs.counsel.treas.gov.

RIN: 1545-BO91

171. MEPs and the Unified Plan Rule [1545-BO97]

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 413

Abstract: These proposed regulations provide guidance relating to the tax qualification of multiple employer plans (MEPs) described in section 413(e) of the Internal Revenue Code (Code). The proposed regulations would provide an exception, if certain requirements are met, to the application of the “unified plan rule” for section 413(e) MEPs in the event of a failure by one or more participating employers to take actions required of them to satisfy the requirements of section 401(a) or 408 of the Code. The regulations affect participants in MEPs, MEP sponsors and administrators, and employers maintaining MEPs.

Timetable:

Action	Date	FR Cite
NPRM	07/03/19	84 FR 31777
NPRM Comment Period End.	10/01/19	
Second NPRM	03/28/22	87 FR 17225
Second NPRM Comment Period End.	05/27/22	
Final Action	06/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Jamie Dvoretzky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, *Phone:* 202 317-4836, *Fax:* 885 605-5282, *Email:* jamie.l.dvoretzky@irs.counsel.treas.gov.

RIN: 1545-BO97

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

172. Information Reporting of Health Insurance Coverage and Other Issues Under Sections 6055 and 6056 [1545-BQ11]

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 5000A; 26 U.S.C. 6056

Abstract: These regulations revise notice and filing requirements under sections 6055 and 6056 of the Internal Revenue Code. The regulations are needed to provide health coverage reporters an extension of time in which to furnish certain statements and an alternative manner of allowing certain health coverage reporters to provide information to covered individuals. These regulations also provide that the term “minimum essential coverage”, as that term is defined in health insurance-related tax laws, does not include Medicaid coverage limited to COVID-19 testing and diagnostic services provided pursuant to the Families First Coronavirus Response Act.

Completed:

Reason	Date	FR Cite
Final Action: TD 7790.	12/15/22	87 FR 76569
Final Action Effective.	12/15/22	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Gerald Semasek, *Phone:* 202 317-7006, *Fax:* 855 576-2339, *Email:* gerald.semasek@irs.counsel.treas.gov.

RIN: 1545-BQ11

[FR Doc. 2023-14550 Filed 7-26-23; 8:45 am]

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Part XV

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 10845-01-OA; EPA-HQ-OAR-2011-0135]

Spring 2023 Unified Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at <https://www.reginfo.gov> to periodically update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855).

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SUPPLEMENTARY INFORMATION:

I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the

Agency's mission of protecting human health and the environment. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations. EPA is committed to environmental protection that benefits all communities and encourages public participation and meaningful engagement in our regulatory activities and processes.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

A. EPA's Regulatory Information

"E-Agenda," "online regulatory agenda," and "semiannual regulatory agenda" all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database at <https://www.reginfo.gov/>.

"Regulatory Flexibility Agenda" refers to a document that contains information about the subset of regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at <https://www.govinfo.gov/app/collection/fr>.

"Unified Regulatory Agenda" refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the U.S. General Services Administration.

"Regulatory Agenda Preamble" refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

"Section 610 Review" as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at <https://www.epa.gov/reg-flex/>

section-610-reviews. EPA is initiating one Section 610 review with this semiannual agenda in spring 2023 for the 2014 rulemaking, "Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards."

B. What key statutes and Executive Orders guide EPA's rule and policymaking process?

Several environmental laws authorize EPA's actions, including but not limited to:

- American Innovation and Manufacturing Act (AIM)
- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

EPA must comply not only with environmental and other statutes, but also with administrative legal requirements that apply to the issuance of regulations, such as the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 12866, "Regulatory Planning and Review" (58 FR 51735, Oct. 4, 1993), supplemented by Executive Order 13563, "Improving Regulation and Regulatory Review" (76 FR 3821, Jan. 21, 2011) and amended by Executive Order 14094, "Modernizing Regulatory Review" (88 FR 21879, April 11, 2023); 12898, "Environmental Justice" (59 FR 7629, Feb. 16, 1994) and 14096, "Revitalizing Our Nation's Commitment to Environmental Justice for All" (88 FR 25251, April 26, 2023); 13045, "Children's Health Protection" (62 FR 19885, Apr. 23, 1997); 13132, "Federalism" (64 FR 43255, Aug. 10, 1999); 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, Nov. 9, 2000); and 13211, "Actions Concerning

Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001).

C. How can you be involved in EPA’s rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through <https://www.regulations.gov> are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position, and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to what has been proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule- and policymaking processes. For more information about EPA’s efforts to increase transparency, participation, and collaboration in EPA activities, please visit <https://www.epa.gov/laws-regulations/get-involved-epa-regulations>.

II. Semiannual Agenda of Regulatory and Deregulatory Actions

A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers.
- *Under the CAA*: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes.
- *Under FIFRA*: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins.

- *Under the Federal Food, Drug, and Cosmetic Act*: Actions regarding pesticide tolerances and food additive regulations.

- *Under TSCA*: Licensing actions and new chemical actions.

- *Under RCRA*: Authorization of State solid waste management plans and hazardous waste delisting petitions.

- *Under the CWA*: State Water Quality Standards, deletions from the section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), and delegations of NPDES authority to States.

- *Under SDWA*: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is initiating one review under section 610 of the RFA in this Agenda for the 2014 rulemaking “Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards.”

B. How is the e-Agenda organized?

You can choose how to sort the agenda entries on-line by specifying the characteristics of the entries of interest in the desired individual data fields of the e-Agenda at <https://www.reginfo.gov>. You can sort based on the following characteristics: EPA subagency (such as Office of Water), stage of rulemaking as described in the following paragraphs, alphabetically by title, or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Pre-rule Stage—EPA’s pre-rule actions are generally intended to determine whether the agency should initiate rulemaking. Pre-rulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs) or analyses of the possible need for regulatory action.

2. Proposed Rule Stage—Proposed rulemaking actions include EPA’s Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.

3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.

4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We encourage you to explore becoming involved even if an action is listed in the Long-Term category.

5. Completed Actions—EPA’s completed actions are those that have been promulgated and published in the **Federal Register** since publication of the fall 2022 Agenda. This category also includes actions that EPA is no longer considering and has elected to “withdraw” and the results of any RFA section 610 reviews.

C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation “Section 610 Review” follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Each entry is placed into one of the following five categories:

- a. Significant under 3(f)(1): Under Executive Order 12866, as amended, a rulemaking that may have an annual effect on the economy of \$200 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities.

- b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.
2. Materially alter the budgetary impact of entitlements, grants, user fees,

or loan programs, or the rights and obligations of recipients; or

3. Raise legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations. If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either "Economically Significant" or "Other Significant."

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

Major: A rule is "major" under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in the Congressional Review Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The section(s) of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory and/or a judicial deadline, the date of that deadline, and whether the deadline pertains to a NPRM, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date

displayed in the form 03/00/2024 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is "to be determined."

Regulatory Flexibility Analysis

Required: Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are federal, tribal, state, or local.

Federalism Implications: Indicates whether the action is expected to 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.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part.

RIN: The Regulation Identifier Number is used by OMB to identify and

track rulemakings. The first four digits of the RIN correspond to the EPA office with lead responsibility for developing the action.

D. What tools are available for mining Regulatory Agenda Data and for finding more about EPA rules and policies?

1. Federal Regulatory Dashboard

The <https://www.reginfo.gov> searchable database maintained by the Regulatory Information Service Center and OMB's Office of Information and Regulatory Affairs (OIRA), allows users to view the Regulatory Agenda database (<https://www.reginfo.gov/public/do/eAgendaMain>), with options for searching, displaying, and transmitting data.

2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that Agency's action or activity, and is accessible both electronically or at EPA's Docket Center Reading Room (<https://www.epa.gov/dockets>). EPA uses dockets primarily for rulemaking actions, but dockets may also be used for section 610 reviews and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at <https://www.regulations.gov>. EPA particularly welcomes feedback on rulemakings from communities likely to be affected by these actions.

III. Review of Regulations Under Section 610 of the Regulatory Flexibility Act

A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review each rule that has or will have a significant economic impact

on a substantial number of small entities within 10 years of promulgation. Currently, EPA is initiating one Section 610 review with this semiannual agenda.

Review title	RIN	Docket ID No.	Status
Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards	2060-AV90	EPA-HQ-OAR-2011-0135	Initiated.

B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel

(proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed and current information about the Agency's policy and practice with respect to implementing the RFA/SBREFA, including ongoing Small Business Advocacy Review Panels, please visit EPA's RFA/SBREFA website at <https://www.epa.gov/reg-flex>.

IV. Thank You for Collaborating With Us

We would like to thank those of you who choose to join with us in making

progress on the complex issues involved in protecting human health and the environment through engaging in our rulemaking process. Collaborative efforts such as EPA's open rulemaking processes are valuable tools for implementing our legal requirements in order to address environmental and public health challenges. Our regulatory agenda and your engagement play an important role in that process.

Victoria Arroyo,

Associate Administrator, Office of Policy.

10—CLEAN AIR ACT—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
173	Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards (Section 610 Review)	2060-AV90

10—CLEAN AIR ACT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
174	National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations.	2060-AU37
175	Revisions to the Air Emission Reporting Requirements (AERR)	2060-AV41

10—CLEAN AIR ACT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
176	New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review.	2060-AV16

35—TSCA—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
177	Tiered Data Reporting to Inform Prioritization, Risk Evaluation and Risk Management Under the Toxic Substances Control Act (TSCA).	2070-AK62
178	Methylene Chloride; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK70
179	1-Bromopropane; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK73
180	Trichloroethylene; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK83
181	Perchloroethylene (PCE); Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK84
182	N-Methylpyrrolidone; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK85
183	C.I. Pigment Violet 29; Rulemaking Under the Toxic Substances Control Act (TSCA)	2070-AK87

35—TSCA—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
184	TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances.	2070-AK67

72—SDWA—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	PFAS National Primary Drinking Water Regulation Rulemaking	2040-AG18

ENVIRONMENTAL PROTECTION AGENCY (EPA)*10—Clean Air Act*

Prerule Stage

173. • Section 610 Review of the Tier 3 Motor Vehicle Emission and Fuel Standards (Section 610 Review) [2060-AV90]*Legal Authority:* 5 U.S.C. 610

Abstract: The rulemaking “Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards” was finalized by EPA in April 2014 (79 FR 23414). The final rule established the Tier 3 Motor Vehicle Emission and Fuel Standards program. The Tier 3 program was part of a comprehensive approach to reducing the impacts of motor vehicles on air quality and public health. The program considered the vehicle and its fuel as an integrated system, setting new vehicle emissions standards and a new gasoline sulfur standard beginning in 2017. The vehicle emissions standards were expected to reduce both tailpipe and evaporative emissions from passenger cars, light-duty trucks, medium-duty passenger vehicles, and some heavy-duty vehicles. The gasoline sulfur standard were expected to enable more stringent vehicle emissions standards and will make emissions control systems more effective. This new entry in the regulatory agenda announces that EPA will review this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider and solicit comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or

local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Final Action	04/28/14	79 FR 23414
Begin Review	06/00/23	
End Review	12/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Jessica Mroz, Environmental Protection Agency, Office of Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564–1094, *Email:* mroz.jessica@epa.gov.

RIN: 2060-AV90**ENVIRONMENTAL PROTECTION AGENCY (EPA)***10—Clean Air Act*

Proposed Rule Stage

174. National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [2060-AU37]*Legal Authority:* 42 U.S.C. 7607(d); 42 U.S.C. 7414, 7601

Abstract: In December 1994, pursuant to section 112(d) of the Clean Air Act, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations (59 FR 62585). The NESHAP established standards for both major and area sources. EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA will conduct the second technology review for the NESHAP, as required by law, and consider potential updates to the

rule. To aid in this effort, EPA issued an advance notice of proposed rulemaking that solicited comment from stakeholders, undertook a Small Business Advocacy Review panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered, and is conducting community outreach as part of the development of this action. For more information, please visit <https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities>.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/19	84 FR 67889
NPRM	04/13/23	88 FR 22790
NPRM Comment Period Extended.	06/01/23	88 FR 35808
NPRM Comment Period End.	06/27/23	
Final Rule	03/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Witt, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27709 *Phone:* 919 541–5645, *Email:* witt.jon@epa.gov.

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, E143–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711, *Phone:* 919 541–2837, *Email:* fruh.steve@epa.gov.

RIN: 2060-AU37**175. Revisions to the Air Emission Reporting Requirements (AERR) [2060-AV41]***Legal Authority:* 42 U.S.C. 7401 *et seq.* Clean Air Act

Abstract: This action proposes revisions to the existing Air Emissions Reporting Requirements (AERR) rule last revised on February 19, 2015 (80 FR

8787). The EPA is considering how to improve the quality and completeness of hazardous air pollutant (HAP) emissions data from stationary sources and all pollutant emissions data from prescribed fires. Further, the EPA is considering how best to quantify emissions from intermittent sources such as backup generators; how to obtain data from facilities in Indian country when a Tribe is not required to report emissions data; and how to address known data gaps, streamline processes, and improve data quality, documentation, and transparency for nonpoint and mobile sources.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	
Final Rule	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marc Houyoux, Environmental Protection Agency, Office of Air and Radiation, C339–02, Research Triangle Park, NC 27711, Phone: 919 541–3649, Fax: 919 541–0684, Email: houyoux.marc@epa.gov.
RIN: 2060–AV41

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10—Clean Air Act

Final Rule Stage

176. New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review [2060–AV16]

Legal Authority: 42 U.S.C. 7411

Abstract: On November 15, 2021, the EPA proposed new source performance standards and emission guidelines for crude oil and natural gas facilities. (86 FR 63110). This action was in response to the January 20, 2021, Executive Order titled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” The 2021 action proposed to update and strengthen methane and VOC standards on the books for new sources, add standards for currently unregulated new sources, establish first nationwide Emission Guidelines for states to regulate existing sources. On December 6, 2022, in a supplemental proposal, EPA proposed to update, strengthen, and expand its November 2021 proposal that would secure major climate and health benefits for all Americans by reducing emissions of methane and other harmful air pollution from both new and existing sources in the oil and

natural gas industry (87 FR 74702). The supplemental proposal would achieve more comprehensive emissions reductions from oil and natural gas operations by improving standards in the 2021 proposal and adding proposed requirements for sources not previously covered. Specific proposed requirements include fugitive emissions monitoring and repair at well sites, stronger requirements for flares, zero emissions standards for pneumatic pumps, new standards for dry seal compressors, and a program to allow approved third parties to identify super-emitting events for prompt mitigation. The supplemental proposal also promotes innovation in methane detection technology. The proposal included details for implementing the Emissions Guidelines, which would require states to develop plans that establish, implement, and enforce performance standards for hundreds of thousands of existing sources across the country. State requirements must generally reflect the reductions achievable by applying the Best System of Emission Reduction that EPA has determined has been adequately demonstrated. States would have to submit plans including their requirements to EPA for review. The Agency expects to issue a final rule later this year.

Timetable:

Action	Date	FR Cite
NPRM	11/15/21	86 FR 63110
NPRM Comment Period Extended.	12/17/21	86 FR 71603
Supplemental NPRM.	12/06/22	87 FR 74702
Final Rule	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Marsh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–01, Research Triangle Park, NC 27711, Phone: 919 541–1065, Email: marsh.karen@epa.gov.

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RIN: 2060–AV16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35—TSCA

Proposed Rule Stage

177. Tiered Data Reporting To Inform Prioritization, Risk Evaluation and Risk Management Under the Toxic Substances Control Act (TSCA) [2070–AK62]

Legal Authority: 15 U.S.C. 2601 *et seq.* Toxic Substances Control Act

Abstract: EPA is developing a rulemaking under sections 8(a) and (d) of the Toxic Substances Control Act (TSCA) to establish reporting requirements based upon a chemical’s status in the Risk Evaluation/Risk Management (RE/RM) Lifecycle and update the reporting requirements under the 40 CFR 711 Chemical Data Reporting (CDR) regulation. TSCA section 8(a) provides EPA the authority to require manufacturers and processors to report information known to or reasonably ascertainable by them including information on chemical identity and structure, manufacture, use, exposure, disposal, and health and environmental effects, and to maintain records of such information. Specifically, EPA is seeking occupational, environmental, and consumer exposure information. TSCA section 8(d) provides EPA the authority to require manufacturers, processors, and distributors to submit health and safety study information to the agency. EPA is developing this rule to obtain information about potential hazards and exposure pathways related to certain chemicals, particularly occupational, environmental, and consumer exposure information. This information is needed to inform prioritization, risk evaluation, and risk management of the chemical substances under TSCA section 6.

Timetable:

Action	Date	FR Cite
NPRM	02/00/24	
Final Rule	07/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Susan Sharkey, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7406M, Washington, DC 20460, Phone: 202 564–8789, Fax: 202 564–4775, Email: sharkey.susan@epa.gov.

David Turk, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code

7406M, Washington, DC 20460, *Phone:* 202 566–1527, *Email:* turk.david@epa.gov.

RIN: 2070–AK62

178. Methylene Chloride; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK70]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: EPA proposed to address the unreasonable risk of injury to human health presented by methylene chloride under its conditions of use as documented in EPA’s 2020 risk evaluation and November 2022 revised risk determination for methylene chloride prepared under the Toxic Substances Control Act (TSCA). EPA’s risk evaluation, describing the conditions of use is in docket EPA–HQ–OPPT–2019–0437, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0742. To address the identified unreasonable risk, EPA is proposing to: prohibit the manufacture, processing, and distribution in commerce of methylene chloride for consumer use; prohibit most industrial and commercial uses of methylene chloride; require a workplace chemical protection program, which would include a requirement to meet inhalation exposure concentration limits and exposure monitoring for certain continued conditions of use of methylene chloride; require recordkeeping and downstream notification requirements for several conditions of use of methylene chloride; and provide certain time-limited exemptions from requirements for uses of methylene chloride that would otherwise significantly disrupt national security and critical infrastructure.

Timetable:

Action	Date	FR Cite
NPRM	05/03/23	88 FR 28284
NPRM Comment Period End.	07/03/23	
Final Rule	06/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ingrid Feustel, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7404M, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564–3199, *Email:* feustel.ingrid@epa.gov.

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RIN: 2070–AK70

179. 1-Bromopropane; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK73]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by 1-bromopropane (1-BP) under its conditions of use as documented in EPA’s 2020 risk evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA’s risk evaluation for 1-BP, describing the conditions of use, is in docket EPA–HQ–OPPT–2019–0235, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0741.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
Final Rule	03/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Shuman, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–2978, *Email:* shuman.amy@epa.gov.

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RIN: 2070–AK73

180. Trichloroethylene; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK83]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by trichloroethylene (TCE) under its conditions of use as documented in EPA’s 2020 Risk Evaluation and 2023 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA’s risk evaluation

for TCE, describing TCE’s conditions of use is in docket EPA–HQ–OPPT–2019–0500, with the January 2023 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0737.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
Final Rule	10/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gabriela Rossner, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–2426, *Email:* rossner.gabriela@epa.gov.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, *Phone:* 202 564–0432, *Email:* wolf.joel@epa.gov.

RIN: 2070–AK83

181. Perchloroethylene (PCE); Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK84]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by perchloroethylene (PCE) under its conditions of use as documented in EPA’s 2020 Risk Evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA risk evaluation and apply requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA’s risk evaluation for PCE, describing the conditions of use is in docket EPA–HQ–OPPT–2019–0502, with the 2022 unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0732.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
Final Rule	08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Summers, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC

20460, Phone: 202 564–2201, Email: summers.kelly@epa.gov.

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RIN: 2070–AK84

182. N-Methylpyrrolidone; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK85]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address the unreasonable risk of injury to health presented by n-methylpyrrolidone (NMP) under its conditions of use, as documented in EPA's 2020 Risk Evaluation and 2022 revised risk determination. Section 6(a) of the Toxic Substances Control Act (TSCA) requires EPA to address by rule any unreasonable risk identified in a TSCA section 6(b) risk evaluation by applying requirements to the extent necessary so the chemical no longer presents unreasonable risk. EPA's 2020 risk evaluation for NMP, describing its conditions of use is in docket EPA–HQ–OPPT–2019–0236, with the 2022 revised unreasonable risk determination and additional materials in docket EPA–HQ–OPPT–2016–0743.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
Final Rule	12/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, Phone: 202 564–0432, Email: wolf.joel@epa.gov.

Clara Hull, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, Phone: 202 564–3954, Email: hull.clara@epa.gov.
RIN: 2070–AK85

183. C.I. Pigment Violet 29; Rulemaking Under the Toxic Substances Control Act (TSCA) [2070–AK87]

Legal Authority: 15 U.S.C. 2605 Toxic Substances Control Act

Abstract: This proposed rulemaking will address unreasonable risks of injury to health identified in the final risk evaluation for C.I. Pigment Violet 29.

Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. EPA's risk evaluation for C.I. Pigment Violet 29, describing the conditions of use and presenting EPA's determination of unreasonable risk, is in docket EPA–HQ–OPPT–2018–0604, with revised risk determination and additional information in docket EPA–HQ–OPPT–2016–0725.

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dyllan Taylor, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404M, Washington, DC 20460, Phone: 202 564–2913, Email: taylor.dyllan@epa.gov.

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RIN: 2070–AK87

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35—TSCA

Final Rule Stage

184. TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances [2070–AK67]

Legal Authority: 15 U.S.C. 2607(a)(7) Toxic Substances Control Act

Abstract: EPA published a proposed rule on June 28, 2021, addressing reporting and recordkeeping requirements for Per- and Polyfluoroalkyl Substances (PFAS) under section 8(a)(7) of the Toxic Substances Control Act (TSCA). In accordance with obligations under TSCA section 8(a), as amended by section 7351 of the National Defense Authorization Act for Fiscal Year 2020, persons that manufacture (including import) or have manufactured these chemical substances in any year since January 1, 2011, would be subject to the reporting and recordkeeping requirements. In addition to fulfilling

statutory obligations under TSCA, EPA expects that the final rule will enable EPA to better characterize the sources and quantities of manufactured PFAS in the United States. EPA solicited additional public comments on an Initial Regulatory Flexibility Analysis (IRFA) following the completion of a Small Business Advocacy Review (SBAR) Panel addressing the proposed PFAS reporting and recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/28/21	86 FR 33926
Notice	11/25/22	87 FR 72439
Comment Period End.	12/27/22	
Final Rule	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Griffin, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7406M, Washington, DC 20460, Phone: 202 564–1463, Email: griffin.stephanie@epa.gov.

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RIN: 2070–AK67

ENVIRONMENTAL PROTECTION AGENCY (EPA)

72—SDWA

Final Rule Stage

185. PFAS National Primary Drinking Water Regulation Rulemaking [2040–AG18]

Legal Authority: 42 U.S.C. 300f *et seq.*; Safe Drinking Water Act

Abstract: On March 3, 2021, the Environmental Protection Agency (EPA) published the Fourth Regulatory Determinations in **Federal Register**, including a determination to regulate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in drinking water. Per the Safe Drinking Water Act, following publication of the Regulatory Determination, the Administrator shall propose a maximum contaminant level goal (MCLG) and a national primary drinking water regulation (NPDWR) not later than 24 months after determination and promulgate a NPDWR within 18 months after proposal (the statute authorizes a

9-month extension of this promulgation date). With this action, EPA intends to develop a proposed national primary drinking water regulation for PFOA and PFOS, and as appropriate, take final action. Additionally, EPA will continue to consider other PFAS as part of this action. This action provides a key commitment in EPA’s “PFAS Strategic Roadmap: EPA’s Commitments to Action 2021–2024.”

Timetable:

Action	Date	FR Cite
Notice	02/09/22	87 FR 7412
NPRM	03/29/23	88 FR 18638
NPRM Comment	05/30/23	
Period End.		
Final Rule	01/00/24	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Alexis Lan,
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RIN: 2040–AG18
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Part XVI

General Services Administration

Semiannual Regulatory Agenda

**GENERAL SERVICES
ADMINISTRATION****41 CFR Chapters 101, 102, 105, 300,
301, 302, 303, and 304****48 CFR Chapter 5****Unified Agenda of Federal Regulatory
and Deregulatory Actions****AGENCY:** General Services
Administration (GSA).**ACTION:** Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2022 edition. This agenda was developed under the guidelines of Executive Orders 12866 “Regulatory Planning and Review,” and 13563 “Improving Regulation and Regulatory Review.” GSA’s purpose in publishing this agenda is to allow interested persons an

opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. The public may provide comments on rules via <http://www.regulations.gov>.

The Unified Agenda, including previous versions, are available at www.reginfo.gov. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under

section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA’s regulatory plan.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 7th Floor, Washington, DC 20405-0001, 202-501-2735 or by email at lois.mandell@gsa.gov.

Dated: March 16, 2023.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
186	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment.	3090–AK20
187	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules.	3090–AK21
188	General Service Acquisition Regulation (GSAR); GSAR Case 2020–G512, System for Award Management Representation for Leases.	3090–AK22
189	General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements.	3090–AK36
190	General Services Administration Acquisition Regulations (GSAR); GSAR 2021–G520, Economic Price Adjustment for Deregulated Electric Supplies.	3090–AK48
191	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G530, Extension of Federal Minimum Wage to Lease Acquisitions.	3090–AK51
192	General Services Acquisition Regulation (GSAR); GSAR Case 2022–G517 Single-use Plastic Packaging Reduction.	3090–AK60
193	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2023–G507, Additional Transactional Data Reporting Elements for Non-Federal Supply Schedule contracts.	3090–AK71
194	Federal Management Regulation (FMR); FMR Case 2023–102–1, Sustainable Siting	3090–AK69

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
195	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G503, Streamlining GSA Commercial Contract Clause Requirements.	3090–AK09
196	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G513, Updating Payments Clause	3090–AK55
197	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions.	3090–AK58

GENERAL SERVICES ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
198	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions.	3090–AK29
199	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased Space.	3090–AK39
200	General Services Administration Acquisition Regulation (GSAR); GSAR 2021–G527, Immediate and Highest-Level Owner for High-Security Leased Space.	3090–AK44

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
201	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G505, Clarify Commercial Products and Services Contract Terms and Conditions.	3090–AK18
202	General Service Acquisition Regulation (GSAR); GSAR Case 2020–G513, Lease Payment Procedures	3090–AK23

GENERAL SERVICES ADMINISTRATION (GSA)*Office of Acquisition Policy*

Proposed Rule Stage

186. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment [3090–AK20]*Legal Authority:* 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate Federal Supply Schedule (FSS) program policies and procedures regarding economic price adjustment, including updating related prescriptions and clauses. This rule will provide unique guidance for contracts based on commercial price lists or not, and contracts with data reporting requirements or not.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	
NPRM Comment Period End.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445–0390, *Email:* thomas.olinn@gsa.gov.
RIN: 3090–AK20

187. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules [3090–AK21]*Legal Authority:* 40 U.S.C. 121(c); 40 U.S.C. 502

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and clarify the requirements for use of Federal Supply Schedules by eligible non-Federal entities, such as state and local governments. The rule is intended to

increase understanding of the existing guidance and expand access to GSA sources of supply by eligible non-Federal entities, as authorized by historic statutes including the Federal Supply Schedules Usage Act of 2010. This rule supports underserved communities, promoting equity in the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445–0390, *Email:* thomas.olinn@gsa.gov.
RIN: 3090–AK21

188. General Service Acquisition Regulation (GSAR); GSAR Case 2020–G512, System for Award Management Representation for Leases [3090–AK22]*Legal Authority:* 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the requirement for lease offerors to have an active System for Award Management (SAM) registration when submitting offers and instead allow offers up until the time of award to obtain an active SAM registration. Entities seeking Federal leases differ from the typical entities seeking Federal contracts in that common practice is to form a new entity for every new lease offer. Requiring representations from these entities prior to offer submission restricts competition. In addition, the tools in SAM typically used in the Government's evaluation of offers do not add value when evaluating lease offers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Action	Date	FR Cite
NPRM Comment Period End.	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Lara, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, GSA Acquisition Policy Division, 1800 F Street NW, Washington, AZ 20405, *Phone:* 816 926–7172, *Email:* amy.lara@gsa.gov.
RIN: 3090–AK22

189. General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements [3090–AK36]*Legal Authority:* 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise the prescriptions for FAR provisions and clauses that apply to lease solicitations and contracts. Additionally, GSA is proposing to make conforming changes to some provision and clause titles and numbers listed to align with the FAR, along with other editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	
NPRM Comment Period End.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Lara, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, GSA Acquisition Policy Division, 1800 F Street NW, Washington, AZ 20405, *Phone:* 816 926–7172, *Email:* amy.lara@gsa.gov.
RIN: 3090–AK36

190. General Services Administration Acquisition Regulations (GSAR); GSAR 2021–G520, Economic Price Adjustment for Deregulated Electric Supplies [3090–AK48]*Legal Authority:* 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise internal agency approval procedures to allow the use of an economic price adjustment clause for deregulated electric supplies under fixed-price contracts. This rule will better account for regional variability in prices, portions of which are controlled by the Federal Energy Regulatory Commission under section 205 and 206 of the Federal Power Act and other regulatory bodies.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	07/00/23 09/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* stephen.carroll@gsa.gov.
RIN: 3090-AK48

191. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021-G530, Extension of Federal Minimum Wage to Lease Acquisitions [3090-AK51]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to extend the requirements of Executive Order 14026 (Increasing the Minimum Wage for Federal Contractors) and Department of Labor regulations (29 CFR part 23) to lease acquisitions where the Davis Bacon Act applies by requiring inclusion of the related Federal Acquisition Regulation (FAR) clause. Generally, the FAR does not apply to leasehold acquisitions of real property. However, several FAR clauses have been adopted based on requirements through GSAR part 570. The Federal minimum wage requirements apply to Government lease acquisitions where the Davis Bacon Act applies and extension of the FAR requirements will ensure compliance. The Executive order seeks to increase efficiency and cost savings in the work performed by parties who contract with the Federal Government by increasing to \$15.00 the hourly minimum wage paid to those contractors. This rule promotes economic resilience, and improves the buying power of U.S. citizens.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	08/00/23 10/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 718-6112, *Email:* johnnie.mcdowell@gsa.gov.
RIN: 3090-AK51

192. General Services Acquisition Regulation (GSAR); GSAR Case 2022-G517 Single-Use Plastic Packaging Reduction [3090-AK60]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is exploring regulations that will reduce single-use plastic consumption by the agency. Single-use plastic poses an environmental risk that is documented as having the potential to impact biodiversity. To learn more, GSA published an Advanced Notice of Proposed Rulemaking (ANPRM) to ask industry about what a change to the single-use plastics industry would entail. The questions focus on packaging materials with the overall intent of addressing not only the items that the Government intentionally consumes, but those products that the Government unintentionally consumes (such as packaging) that then has to be disposed of once the item is delivered.

Timetable:

Action	Date	FR Cite
ANPRM ANPRM Comment Period End.	07/07/22 09/06/22	87 FR 40476
Comment Period Extended.	09/08/22	87 FR 54937
NPRM NPRM Comment Period End.	07/00/23 09/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Adina Torberntsson, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 303 236-2677, *Email:* adina.torberntsson@gsa.gov.
RIN: 3090-AK60

193. • General Services Administration Acquisition Regulation (GSAR): GSAR Case 2023-G507, Additional Transactional Data Reporting Elements for Non-Federal Supply Schedule Contracts. [3090-AK71]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to update and bring certain reporting elements into conformance with current business practices. The reporting elements would apply to solicitations and contracts for GSA-awarded indefinite-delivery indefinite-quantity (IDIQ), Governmentwide acquisition contracts (GWACs), and multi-agency contracts (MACs).
Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	12/00/23 02/00/24	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.
RIN: 3090-AK71

Office of Governmentwide Policy
194. Federal Management Regulation (FMR); FMR Case 2023-102-1, Sustainable Siting [3090-AK69]

Legal Authority: 40 U.S.C.121(c); E.O. 12072; E.O. 13006; E.O. 14057; E.O.14091; E.O.14096
Abstract: The General Services Administration is amending FMR part 102-83 to promote economy and efficiency in the planning, acquisition, utilization, and management of Federal facilities. The rule will implement Executive Order 14057 (Catalyzing Clean Energy Industry and Jobs Through Federal Sustainability) Executive Order 14091 (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), and Executive Order 14096 (Revitalizing Our Nation's Commitment to Environmental Justice for All). This rule will help ensure that all new Federally owned and leased location decisions reduce emissions across Federal workplaces by ensuring that all new construction, modernization projects, and leases implement a number of equitable, energy efficient, sustainable, and

climate-resilient building practices for federal facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	
NPRM Comment Period End.	09/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Chris Coneeney, Director, Real Property Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 202 208–2956, Email: chris.coneeney@gsa.gov.

RIN: 3090–AK69

GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

Office of Acquisition Policy

195. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G503, Streamlining GSA Commercial Contract Clause Requirements [3090–AK09]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline requirements for GSA commercial contracts. This rule will update GSAR Clauses 552.212–71 and 552.212–72 to remove any requirements that are not necessary by law or Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	12/20/22	87 FR 77783
NPRM Comment Period End.	02/21/23	
Final Rule	06/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 202 718–6112, Email: johnnie.mcdowell@gsa.gov.
RIN: 3090–AK09

196. General Service Acquisition Regulation (GSAR); GSAR Case 2022–G513, Updating Payments Clause [3090–AK55]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to remove the agency supplemental clause

regarding payments for non-commercial fixed price contracts for supplies or services. This payments clause provides that, in certain transactions, the Government must pay a contractor without submission of an invoice or voucher. GSA has determined that this is no longer in the best interest of the Government. This final rule will additionally amend any corresponding references to the clause.

Timetable:

Action	Date	FR Cite
NPRM	02/28/23	88 FR 12641
NPRM Comment Period End.	05/01/23	
Final Rule	09/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Byron Boyer, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 817 850–5580, Email: byron.boyer@gsa.gov.
RIN: 3090–AK55

197. General Service Acquisition Regulation (GSAR); GSAR Case 2022–G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions [3090–AK58]

Legal Authority: 40 U.S.C. 121(c)
Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to standardize the identification of Federal Supply Schedule (FSS) clauses, provisions, and references. GSA will clarify the distinction between Federal Supply Schedule and the Multiple Award Schedule (MAS) Program. GSA will also clarify the applicability of FSS clauses and provisions for FSS contracts managed by GSA and the Department of Veterans Affairs.

Timetable:

Action	Date	FR Cite
NPRM	03/15/23	88 FR 15941
NPRM Comment Period End.	05/15/23	
Final Rule	09/00/23	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Adina Torberntsson, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 303 236–2677, Email: adina.torberntsson@gsa.gov.

RIN: 3090–AK58

GENERAL SERVICES ADMINISTRATION (GSA)

Office of Acquisition Policy

Long-Term Actions

198. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisition [3090–AK29]

Legal Authority: 40 U.S.C. 121(c); 5 U.S.C. 801; Pub. L. 115–232 sec. 889

Abstract: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to prohibit procurement from certain covered entities using covered equipment and services in lease acquisitions pursuant to section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019. The rule will implement the section 889 requirements in lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clause. This rule supports the national security priority.

Timetable:

Action	Date	FR Cite
NPRM	06/00/24	
NPRM Comment Period End.	08/00/24	

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 817 253–7858, Email: stephen.carroll@gsa.gov.
RIN: 3090–AK29

199. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased Space [3090–AK39]

Legal Authority: 40 U.S.C. 121(c); Pub. L. 116–276

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the Secure Federal Leases Act. Covered entities are required to identify whether the beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter. This rule supports the national security priority.

Timetable:			Action	Date	FR Cite	Completed:		
Action	Date	FR Cite				Reason	Date	FR Cite
NPRM	12/27/21	86 FR 73219	Interim Final Rule Effective.	06/30/21	86 FR 34966	Final Rule	12/13/22	87 FR 76111
NPRM Comment Period End.	02/25/22		Interim Final Rule	07/01/21		Final Rule Effective.	01/12/23	
Final Rule	06/00/24		Interim Final Rule Comment Period End.	08/30/21				
			Final Rule	06/00/24				

Regulatory Flexibility Analysis Required: Yes. Agency Contact: Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 817 253-7858, Email: stephen.carroll@gsa.gov. RIN: 3090-AK39			Regulatory Flexibility Analysis Required: Yes. Agency Contact: Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, Phone: 817 253-7858, Email: stephen.carroll@gsa.gov. RIN: 3090-AK44			Regulatory Flexibility Analysis Required: Yes. Agency Contact: Johnnie McDowell, Phone: 202 718-6112, Email: johnnie.mcdowell@gsa.gov. RIN: 3090-AK18		
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200. General Services Administration Acquisition Regulation (GSAR); GSAR 2021-G527, Immediate and Highest-Level Owner for High-Security Leased Space [3090-AK44] Legal Authority: 40 U.S.C. 121(c) Abstract: GSA is amending the General Services Administration Acquisition Regulation (GSAR) to implement certain requirements outlined in the Secure Federal LEASEs Act (Pub. L. 116-276). The Act addresses the risks of foreign ownership of Government-leased real estate and requires the disclosure of ownership information for high-security space leased to accommodate a Federal agency. This rule supports the national security priority. Timetable:			GENERAL SERVICES ADMINISTRATION (GSA) Completed Actions 201. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G505, Clarify Commercial Products and Services Contract Terms and Conditions [3090-AK18] Legal Authority: 40 U.S.C. 121(c) Abstract: The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to clarify commercial products and services contract terms and conditions. This rule will update GSAR Clause 552.212-4 to clarify the prescription and language applicable for the different clause alternates.			202. General Service Acquisition Regulation (GSAR); GSAR Case 2020-G513, Lease Payment Procedures [3090-AK23] Legal Authority: 40 U.S.C. 121(c) Abstract: The General Services Administration (GSA) is withdrawing this rule. After working to develop GSAR Case 2020-G513, GSA's Public Buildings Service (PBS) Office of Leasing (OL) has prioritized other policy requirements. Completed:		
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Reason	Date	FR Cite
Withdrawn	03/14/23	

Regulatory Flexibility Analysis Required: Yes. Agency Contact: Marten Wallace, Phone: 202 969-7736, Email: marten.wallace@gsa.gov. RIN: 3090-AK23 [FR Doc. 2023-14571 Filed 7-26-23; 8:45 am] BILLING CODE 6820-34-P		
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Part XVII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).
ACTION: Semiannual Regulatory Agenda.

SUMMARY: This semiannual Regulatory Agenda (Agenda) is a summary of current and projected rulemakings and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA’s regulatory activities. Accordingly, SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Lindsey K. McCready, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; (202) 401–2996; lindsey.mccready@sba.gov.

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires SBA to publish in the **Federal**

Register a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government’s unified Regulatory Agenda, which will be available online at www.reginfo.gov in a format that offers users enhanced ability to obtain information about SBA’s rules.

Isabella Casillas Guzman,
Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
203	Small Business Development Center Program Revisions	3245–AE05
204	Small Business Size Standards: Adjustment of Alternative Size Standard for SBA’s 7(a) and CDC/504 Loan Programs for Inflation; and Surety Bond Limits: Adjustments for Inflation.	3245–AG16
205	Affiliation in Small Business Procurement Programs; Women-Owned Small Business Program	3245–AH97

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
206	Small Business Timber Set-Aside Program	3245–AG69
207	National Defense Authorization Act of 2020, Credit for Lower Tier Subcontracting and Other Amendments	3245–AH28
208	Small Business Size Standards: Adjustment of Monetary Based Size Standards, Disadvantage Thresholds, and 8(a) Eligibility Thresholds for Inflation.	3245–AH93

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
209	Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade.	3245–AH09
210	Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation	3245–AH17
211	Small Business Lending Company (SBLC) Moratorium Rescission and Removal of the Requirement for a Loan Authorization.	3245–AH92

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

203. Small Business Development Center Program Revisions [3245–AE05]

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: This rule proposes to update the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) procedures for approving when a new Lead SBDC Center Director is selected; (2) procedures and requirements regarding findings and disputes resulting from

financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (3) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC’s cooperative agreement; and (4) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Newman-Karton, Program Manager, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619–1816, *Email:* rachel.newman-karton@sba.gov.

RIN: 3245–AE05

204. Small Business Size Standards: Adjustment of Alternative Size Standard for SBA's 7(a) and CDC/504 Loan Programs for Inflation; and Surety Bond Limits: Adjustments for Inflation [3245–AG16]

Legal Authority: Pub. L. 111–240, sec. 1116

Abstract: SBA will propose amendments its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period End.	05/21/18	
NPRM	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email:* khem.sharma@sba.gov.

RIN: 3245–AG16

205. Affiliation in Small Business Procurement Programs; Women-Owned Small Business Program [3245–AH97]

Legal Authority: 15 U.S.C. 632(a); 15 U.S.C. 637(m)

Abstract: Following revisions to the requirements in SBA's 8(a) Business Development and Service-Disabled Veteran-Owned Small Business programs, SBA is issuing conforming revisions to its affiliation rules that govern all of the small-business procurement programs and to the Women-Owned Small Business program. These revisions will ensure

consistent requirements for ownership and control across SBA's procurement programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sam Le, Director of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619–1789.

RIN: 3245–AH97

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

206. Small Business Timber Set-Aside Program [3245–AG69]

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sam Le, Director of Policy, Planning and Liaison, Small Business Administration, 409 3rd Street SW, Washington, DC 20416, *Phone:* 202 619–1789.

RIN: 3245–AG69

207. National Defense Authorization Act of 2020, Credit for Lower Tier Subcontracting and other Amendments [3245–AH28]

Legal Authority: Pub. L. 116–92

Abstract: Section 870 of the National Defense Authorization Act of 2020 (NDAA 2020) made a change that will require SBA to amend its regulations. Specifically, the language of NDAA 2020 requires SBA to alter the method and means of accounting for lower tier small business subcontracting. This proposed rule may also contain several smaller changes that might be necessary to implement this provision and other provisions in NDAA 2020.

Timetable:

Action	Date	FR Cite
NPRM	12/19/22	87 FR 77529
NPRM Comment Period End.	02/17/23	
Final Rule	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda J. Fernandez, Analyst, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205–7337, *Email:* brenda.fernandez@sba.gov.

RIN: 3245–AH28

208. Small Business Size Standards: Adjustment of Monetary Based Size Standards, Disadvantage Thresholds, and 8(a) Eligibility Thresholds for Inflation [3245–AH93]

Legal Authority: 15 U.S.C. 632(a); 15 U.S.C. 637(a)(6)(A)

Abstract: SBA intends to issue this rulemaking to adjust its monetary small business size standards (*i.e.*, receipts, net income, net worth, and financial assets) for the effects of inflation that have occurred since the last inflation adjustment, which was effective on August 19, 2019. SBA is required by its regulations in 13 CFR 121.102(c) to review the effects of inflation on its monetary standards at least once every five years. As in previous adjustments, SBA will apply the Gross Domestic Product (GDP) price index as a measure of inflation. This action will restore small business eligibility to businesses that have lost that status due to inflation.

In addition, SBA intends to adjust other monetary thresholds in its regulations that are otherwise not adjusted for inflation under FAR 1.109. These thresholds primarily are those used in the 8(a) Business Development and the Economically Disadvantaged Women-Owned Small Business (EDWOSB) programs to determine economic disadvantage. Others are used to maintain eligibility for the 8(a) program. In some cases, these thresholds have not been adjusted for 25 years. This action will permit small businesses to retain eligibility as economically disadvantaged and eligible for the 8(a) program, despite an increase in inflation.

SBA will publicize the rule via the Small Business Procurement Advisory Council, the Integrated Acquisition Environment, fbo.gov, press releases, publication of this rule in the **Federal Register**, emails to interested parties, and the size standards website at www.sba.gov/size.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/22	87 FR 69118
Interim Final Rule Effective.	12/19/22	
Interim Final Rule Comment Period End.	01/17/23	
Final Action	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

RIN: 3245-AH93

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

209. Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade [3245-AH09]

Legal Authority: 15 U.S.C. 632(a)
Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 31-33 (Manufacturing) and industries with employee-based size standards in other sectors except Wholesale Trade and Retail Trade and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.
Completed:

Reason	Date	FR Cite
Final Rule	02/15/23	88 FR 9970
Final Rule Effective.	03/17/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.
RIN: 3245-AH09

210. Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation [3245-AH17]

Legal Authority: 15 U.S.C. 632(a)
Abstract: In this final rule, the U.S. Small Business Administration (SBA or Agency) adjusts all monetary based industry size standards (*i.e.*, receipts, assets, net worth, and net income) for inflation since the last adjustment in 2014. In accordance with its regulations in 13 CFR 121.102(c), SBA is required

to review the effects of inflation on its monetary standards at least once every five years and adjust them, if necessary. In addition, the Small Business Jobs Act of 2010 (Jobs Act) also requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. This action will restore the small business eligibility of businesses that have lost that status due to inflation.

Completed:

Reason	Date	FR Cite
Final Action	11/17/22	87 FR 69118

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.
RIN: 3245-AH17

211. Small Business Lending Company (SBLC) Moratorium Rescission and Removal of the Requirement For a Loan Authorization [3245-AH92]

Legal Authority: Sec. 3(r) and 7(a) of the Small Business Act

Abstract: SBA intends to publish a notice of proposed rulemaking in order to receive comments from the public and the lending industry regarding the proposal to lift the moratorium on permitting new Small Business Lending Companies (SBLC). SBA intends to also propose removal of duplicative forms and other collections of information for the Agency's business loan programs.

Completed:

Reason	Date	FR Cite
NPRM	11/07/22	87 FR 66936
Final Rule	05/12/23	88 FR 21890
Final Rule Effective.	05/12/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dianna L. Seaborn, *Phone:* 202 205-3645, *Email:* dianna.seaborn@sba.gov.
RIN: 3245-AH92

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Part XVIII

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Ch. 1****Semiannual Regulatory Agenda**

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in

compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 7th Floor, Washington, DC 20405–0001, 202–501–4755 or by email at lois.mandell@gsa.gov.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at <http://www.acquisition.gov/far>.

Dated: March 21, 2023.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
212	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI)	9000–AN56
213	Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition	9000–AN73
214	Federal Acquisition Regulation (FAR); FAR Case 2019–015, Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment.	9000–AN98
215	Federal Acquisition Regulation (FAR); FAR Case 2020–005, Explanations to Unsuccessful Offerors on Certain Orders Under Task and Delivery Order Contracts.	9000–AO08
216	Federal Acquisition Regulation (FAR); FAR Case 2020–008, Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer.	9000–AO11
217	Federal Acquisition Regulation (FAR); FAR Case 2020–010, Small Business Innovation Research and Technology Transfer Programs.	9000–AO12
218	Federal Acquisition Regulation (FAR); FAR Case 2020–016, Rerepresentation of Size and Socioeconomic Status.	9000–AO18
219	Federal Acquisition Regulation (FAR); FAR Case 2021–001, Increased Efficiencies With Regard to Certified Mail, In-Person Business, Mail, Notarization, Original Documents, Seals, and Signatures.	9000–AO19
220	FAR Acquisition Regulation (FAR); FAR Case 2021–005; Disclosure of Beneficial Owner in Federal Contracting.	9000–AO23
221	Federal Acquisition Regulation (FAR); FAR Case 2021–009, Protests of Orders Set Aside for Small Business.	9000–AO26
222	Federal Acquisition Regulation (FAR); FAR Case 2021–011, Past Performance Ratings for Small Business Joint Venture Members and Small Business First-Tier Subcontractors.	9000–AO28
223	Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions.	9000–AO33
224	Federal Acquisition Regulation (FAR); FAR Case 2021–017, Cyber Threat and Incident Reporting and Information Sharing.	9000–AO34
225	Federal Acquisition Regulation (FAR); FAR Case 2021–019, Standardizing Cybersecurity Requirements for Unclassified Information Systems.	9000–AO35
226	Federal Acquisition Regulations (FAR) FAR Case 2021–020, Limitations on Subcontracting	9000–AO36
227	Federal Acquisition Regulation (FAR); FAR Case 2022–004, Enhanced Price Preferences for Critical Components and Critical Items.	9000–AO41
228	Federal Acquisition Regulation (FAR); FAR Case 2022–006, Sustainable Procurement	9000–AO43
229	Federal Acquisition Regulation (FAR); FAR Case 2022–009, Certification of Service-Disabled Veteran-Owned Small Businesses.	9000–AO46
230	Federal Acquisition Regulation (FAR); FAR Case 2023–002, Supply Chain Software Security	9000–AO49
231	Federal Acquisition Regulation (FAR); FAR Case 2023–001, Subcontracting to Puerto Rican and Covered Territory Small Businesses.	9000–AO50
232	Federal Acquisition Regulation (FAR); FAR CASE 2023–003, Prohibition on the Use of Reverse Auctions for Complex, Specialized, or Substantial Design and Construction Services.	9000–AO51
233	Federal Acquisition Regulation (FAR); FAR Case 2023–006, Preventing Organizational Conflicts of Interest in Federal Acquisition.	9000–AO54
234	Federal Acquisition Regulation (FAR); FAR Case 2023–008, Prohibition on Certain Semiconductor Products and Services.	9000–AO56

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
235	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance	9000–AN31
236	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
237	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43
238	Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN83
239	Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN92
240	Federal Acquisition Regulation (FAR); FAR Case 2020–011, Implementation of FASC Exclusion Orders ...	9000–AO13
241	Federal Acquisition Regulation (FAR); FAR Case 2021–012, 8(a) Program	9000–AO29
242	Federal Acquisition Regulation (FAR); FAR Case 2021–014, Increasing the Minimum Wage for Contractors.	9000–AO31
243	Federal Acquisition Regulation (FAR); FAR Case 2021–015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk.	9000–AO32
244	Federal Acquisition Regulation (FAR); FAR Case 2022–003, Use of Project Labor Agreement for Federal Construction Projects.	9000–AO40
245	Federal Acquisition Regulation (FAR); FAR Case 2022–011, Nondisplacement of Qualified Workers Under Service Contracts.	9000–AO48
246	FAR Case 2023–010, Prohibition on a ByteDance Covered Application	9000–AO58

DOD/GSA/NASA (FAR)—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
247	Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations.	9000–AN72
248	Federal Acquisition Regulation (FAR); FAR Case 2019–018, Federal Acquisition Supply Chain Security Act of 2018.	9000–AO01
249	Federal Acquisitions Regulation (FAR); FAR Case 2021–013, Access to Past Performance Information	9000–AO30

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
250	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
251	Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting.	9000–AN61
252	Federal Acquisition Regulation (FAR); FAR Case 2019–008, Small Business Program Amendments	9000–AN91
253	Federal Acquisition Regulation (FAR); FAR Case 2020–007, Accelerated Payments Applicable to Contracts With Certain Small Business Concerns.	9000–AO10
254	Federal Acquisition Regulation (FAR); FAR Case 2022–002, Exemption of Certain Contracts From the Periodic Inflation Adjustments to the Acquisition-Related Thresholds.	9000–AO39

**DEPARTMENT OF DEFENSE/
GENERAL SERVICES
ADMINISTRATION/NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Proposed Rule Stage

**212. Federal Acquisition Regulation
(FAR); FAR Case 2017–016, Controlled
Unclassified Information (CUI) [9000–
AN56]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to

implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of November 4, 2010 as implemented in NARA's implementing regulations at 32 CFR 2002, and to implement the Office of Management and Budget (OMB) Memorandum M–17–12, entitled Preparing for and Responding to a Breach of Personally Identifiable Information (PII).” This rule will apply the CUI program requirements in Federal contracts in a uniform manner to protect CUI. This rule is one element of a larger strategy to improve the Government's efforts to identify, deter, protect against, detect, and respond to

increasing sophisticated threat actions targeting Federal contractors.

Timetable:

Action	Date	FR Cite
Proposed Rule	07/00/23	
NPRM Comment Period End.	09/00/23	

*Regulatory Flexibility Analysis
Required:* Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email:* michael.o.jackson@gsa.gov.

RIN: 9000–AN56

213. Federal Acquisition Regulation (FAR); FAR Case 2018-014, Increasing Task-Order Level Competition [9000-AN73]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. ch. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 876 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232), which would provide civilian agencies with an exception to the existing statutory requirement to include price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The exception would only apply to indefinite-delivery, indefinite-quantity (IDIQ) contracts and to Federal Supply Schedule contracts for services that are priced at an hourly rate. Furthermore, the exception would only apply in those instances where the Government intends to make a contract award to all qualifying offerors, thus affording maximum opportunity for effective competition at the task order level. An offeror would be qualified only if it is a responsible source and submits a proposal that conforms to the requirements of the solicitation, meets any technical requirements, and is otherwise eligible for award.

Timetable:

Action	Date	FR Cite
NPRM	01/00/24	
NPRM Comment Period End.	03/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 803-3188, Email: dana.bowman@gsa.gov.

RIN: 9000-AN73

214. Federal Acquisition Regulation (FAR); FAR Case 2019-015, Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment [9000-AN98]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to bring the FAR and the Non-procurement

Common Rule (NCR) procedures on suspension and debarment into closer alignment. The FAR covers procurement matters and the NCR covers other transactions, such as grants, cooperative agreements, contracts of assistance, loans and loan guarantees.

The Government uses suspension and debarment procedures to exercise business judgment. These procedures give Federal officials a discretionary means to exclude parties from participation in certain transactions, while affording those parties due process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	
NPRM Comment Period End.	11/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 969-7207, Email: zenaida.delgado@gsa.gov.

RIN: 9000-AN98

215. Federal Acquisition Regulation (FAR); FAR Case 2020-005, Explanations to Unsuccessful Offerors on Certain Orders Under Task and Delivery Order Contracts [9000-AO08]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 874 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92). For awards of certain task or delivery orders, section 874 provides unsuccessful offerors the opportunity to request in writing an explanation as to why their offer was unsuccessful. Contracting offers are required to provide a brief explanation, including the rationale for award and an evaluation of the significant weak or deficient factors in the offeror's offer.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington,

DC 20405, Phone: 202 208-4949, Email: michael.o.jackson@gsa.gov.

RIN: 9000-AO08

216. Federal Acquisition Regulation (FAR); FAR Case 2020-008, Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer [9000-AO11]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 4; 10 U.S.C. chapter 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1123 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92), which added at 41 U.S.C. 4714 and 10 U.S.C. 2339 prohibitions related to criminal history inquiries on individuals competing for or applying to work on Federal contracts. Per the statute, a contractor may not request criminal history record information on an applicant for a position related to work under a contract before the contractor has extended a conditional offer to the applicant for that position. In addition, the Federal Government may not request criminal history record information on an individual or sole proprietor who is competing on a Federal Government contract, unless that individual is the apparently successful offeror. This proposed rule implements the statutory prohibition and the associated procedures and exceptions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/24	
NPRM Comment Period End.	03/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 969-7386, Email: jennifer.hawes@gsa.gov.

RIN: 9000-AO11

217. Federal Acquisition Regulation (FAR); FAR Case 2020-010, Small Business Innovation Research and Technology Transfer Programs [9000-AO12]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to

implement changes to the Small Business Administration Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directive issued (May 2, 2019). The proposed changes include updating FAR 27 to add reference to the STTR program, revise: definitions, allocation of rights, protection period, SBIR/STTR rights notice, data rights marking provisions, and add language to FAR 6.302–5(b) to acknowledge the unique competition requirements for SBIR/STTR Phase III contracts permitted by the Small Business Act.

Timetable:

Action	Date	FR Cite
NPRM	04/07/23	88 FR 20822
NPRM Comment Period End.	06/06/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email:* mahruba.uddowla@gsa.gov.

RIN: 9000–AO12

218. Federal Acquisition Regulation (FAR); FAR Case 2020–016, Rerepresentation of Size and Socioeconomic Status [9000–AO18]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the FAR to implement statutory requirements as implemented by the Small Business Administration's final rule published October 16, 2020 (85 FR 66146), which requires contractors to rerepresent its size and economic status for all set-aside orders issued under full and open multiple-award contract. Additionally, rerepresentation is required for orders issued under a small business set-aside multiple-award contract where the orders are further set-aside exclusively for a particular socioeconomic category and the required socioeconomic status differs from the underlying multiple-award contract. Orders issued under any Federal Supply Schedule are exempt from the requirement to rerepresent size and or socioeconomic status.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
NPRM Comment Period End.	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803–3188, *Email:* dana.bowman@gsa.gov.

RIN: 9000–AO18

219. Federal Acquisition Regulation (FAR); FAR Case 2021–001, Increased Efficiencies With Regard to Certified Mail, In-Person Business, Mail, Notarization, Original Documents, Seals, and Signatures [9000–AO19]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase flexibilities and efficiencies regarding certified mail, in-person business, mail, notarization, original documents, seals, and signatures using digital and virtual technology. This would streamline certain essential contracting procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	
NPRM Comment Period End.	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email:* zenaida.delgado@gsa.gov.

RIN: 9000–AO19

220. FAR Acquisition Regulation (FAR); FAR Case 2021–005; Disclosure of Beneficial Owner in Federal Contracting [9000–AO23]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement sections 885 and 6403 of the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283). Section 885 requires that the Federal Awardee Performance and Integrity Information System include identifying information on the beneficial owner of a Federal contractor that is a corporation. Paragraph (c) of section 6403 directs the FAR to be changed to require certain offerors to disclose

beneficial ownership information in their offers for contracts over the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
NPRM	02/00/24	
NPRM Comment Period End.	04/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email:* zenaida.delgado@gsa.gov.

RIN: 9000–AO23

221. Federal Acquisition Regulation (FAR); FAR Case 2021–009, Protests of Orders Set Aside for Small Business [9000–AO26]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the requirements in the Small Business Administration (SBA) final rule published on October 16, 2020 (85 FR 66146) regarding size protests on set-aside orders under multiple-award contracts that were not set-aside; socioeconomic status protests on set-aside orders where the required status differs from that of the underlying multiple-award contract; and the authority for SBA's Associate General Counsel for Procurement Law to initiate size protests.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803–3188, *Email:* dana.bowman@gsa.gov.

RIN: 9000–AO26

222. Federal Acquisition Regulation (FAR); FAR Case 2021–011, Past Performance Ratings for Small Business Joint Venture Members and Small Business First-Tier Subcontractors [9000–AO28]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy

provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the statutory requirements at 15 U.S.C. 644(e)(4)(B)(i) and 15 U.S.C. 644(q)(1)(B) as implemented by the Small Business Administration (SBA) final rule published on October 16, 2020 (85 FR 66146). The statute requires contracting officers to consider the capabilities and past performance of first-tier subcontractors for bundled or consolidated contracts, and to consider the capabilities and past performance of first-tier subcontractors for multiple award contracts valued above the substantial bundling threshold of the Federal agency. SBA's final rule also gives contracting officers discretion to consider past performance and experience of first-tier subcontractors for other procurements where the first-tier subcontractors are specifically identified in the proposal where appropriate.

Additionally this rule will implement section 868 of the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283) as implemented in SBA's final rule published on July 22, 2022 (87 FR 43731). Section 868 provided two methods for small businesses to obtain past performance: (1) a small business may use the past performance of a joint venture of which it is a member, provided the small business worked on the joint venture's contract(s), and (2) a small business may use past performance it obtained as a first-tier subcontractor from a prime contractor when specifically identified under a subcontracting plan for the contract. This rule promotes equity in Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/23	
NPRM Comment Period End.	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* carrie.moore@gsa.gov.

RIN: 9000–AO28

223. Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions [9000–AO33]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy

provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 5(b)(ii) of Executive Order 14030, Climate-Related Financial Risk. Section 5(b)(ii) directs the Federal Acquisition Regulatory Council to consider amending the FAR to ensure that major agency procurements minimize the risk of climate change.

Timetable:

Action	Date	FR Cite
ANPRM	10/15/21	86 FR 57404
Comment Period Extended.	12/07/21	86 FR 69218
ANPRM Comment Period End.	01/13/22	
NPRM	11/00/23	
NPRM Comment Period End.	01/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7386, *Email:* jennifer.hawes@gsa.gov.

RIN: 9000–AO33

224. Federal Acquisition Regulation (FAR); FAR Case 2021–017, Cyber Threat and Incident Reporting and Information Sharing [9000–AO34]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase the sharing of information about cyber threats and incident information between the Government and certain providers, pursuant to Office of Management and Budget recommendations, in accordance with section 2(b)–(c), and Department of Homeland Security (DHS) recommendations, in accordance with section 8(b), of Executive Order (E.O.) 14028, Improving the Nation's Cybersecurity. In addition, the rule will propose requiring certain contractors to report cyber incidents to the Federal Government to facilitate effective cyber incident response and remediation, pursuant to DHS recommendations in accordance with sections 2(g)(i) of E.O. 14028.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Action	Date	FR Cite
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586–1280, *Email:* marissa.ryba@gsa.gov.

RIN: 9000–AO34

225. Federal Acquisition Regulation (FAR); FAR Case 2021–019, Standardizing Cybersecurity Requirements for Unclassified Information Systems [9000–AO35]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to standardize common cybersecurity contractual requirements across Federal agencies for unclassified Federal information systems, pursuant to Department of Homeland Security recommendations in accordance with sections 2(i) and 8(b) of Executive Order 14028, Improving the Nation's Cybersecurity. As a result, this rule will ensure Federal information systems are better positioned to protect from cybersecurity threats.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* carrie.moore@gsa.gov.

RIN: 9000–AO35

226. Federal Acquisition Regulations (FAR) FAR Case 2021–020, Limitations on Subcontracting [9000–AO36]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Small Business Administration (SBA) changes to the limitations on subcontracting in SBA's final rules published on May 31, 2016, November 29, 2019, and October 16, 2020 (81 FR 34243, 84 FR 65647, 85 FR

66146, respectively), which implemented sections of the National Defense Authorization Acts (NDAA) for Fiscal Years 2016 (Pub. L. 114–92) and the NDAA for FY 2017 (Pub. L. 114–328), and the Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act, Pub. L. 114–88).

Generally, this rule will clarify matters related to the limitations on subcontracting for small businesses. Changes will be made in areas such as: exclusions of other direct costs from the limitations on subcontracting for services; the application of the limitations on subcontracting to similarly situated entities, the application of the nonmanufacturer rule to kit assemblers; and the application of the limitations on subcontracting to construction contracts that also contain supplies and/or services.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	
NPRM Comment Period End.	08/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* carrie.moore@gsa.gov.

RIN: 9000–AO36

227. Federal Acquisition Regulation (FAR); FAR Case 2022–004, Enhanced Price Preferences for Critical Components and Critical Items [9000–AO41]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to add a list of critical components and critical items and, along with their associated enhanced price preference, that will apply to acquisitions subject to the Buy American statute. The list and accompanying enhanced price preferences will complete the framework added to the FAR as part of implementation of section 8 of Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers. The proposed rule would provide further guidance to contracting officers on how to evaluate offers for critical components and critical items and provide for a post-award reporting requirement for contractors.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	
NPRM Comment Period End.	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2868, *Email:* mahruba.uddowla@gsa.gov.

RIN: 9000–AO41

228. Federal Acquisition Regulation (FAR); FAR Case 2022–006, Sustainable Procurement [9000–AO43]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, and Office of Management and Budget Memorandum M–22–06, requirements for the procurement of sustainable products and services. This proposed rule will also reorganize FAR part 23 for consistency and clarity and include statutory updates to definition of “biobased product” (7 U.S.C. 8101) for the purposes of agency affirmative procurement programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/23	
NPRM Comment Period End.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7386, *Email:* jennifer.hawes@gsa.gov.

RIN: 9000–AO43

229. Federal Acquisition Regulation (FAR); FAR Case 2022–009, Certification of Service-Disabled Veteran-Owned Small Businesses [9000–AO46]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA will amend the Federal Acquisition Regulation (FAR) to implement Small Business Administration (SBA) changes

to the certification program for Service-Disabled Veteran-Owned Small Businesses (SDVOSB), as required by section 862 of the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116–283). Section 862 transfers responsibility for SDVOSB certification to the SBA as of January 1, 2023. This rule will clarify the certification requirements for SDVOSBs to be eligible for the award of a sole source or set-aside SDVOSB contract. This rule promotes equity in Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/23	
NPRM Comment Period End.	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* carrie.moore@gsa.gov.

RIN: 9000–AO46

230. Federal Acquisition Regulation (FAR); FAR Case 2023–002, Supply Chain Software Security [9000–AO49]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to require suppliers of software available for purchase by agencies to comply with, and attest to complying with, applicable secure software development requirements in accordance with section 4(n) of Executive Order (E.O.) 14028, Improving the Nation's Cybersecurity. Office of Management and Budget Memorandum 18–22 requires agencies to take appropriate steps to comply with applicable secure software development requirements in accordance with section 4(k) of E.O. 14028 prior to this FAR rule becoming effective.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	
NPRM Comment Period End.	11/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586–1280, *Email:* marissa.ryba@gsa.gov.

RIN: 9000-AO49

231. Federal Acquisition Regulation (FAR); FAR Case 2023-001, Subcontracting to Puerto Rican and Covered Territory Small Businesses [9000-AO50]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 861 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232), as implemented by the Small Business Administration (SBA) in its final rule published October 16, 2020 (85 FR 66146), and section 866 of the NDAA for FY 2021 (Pub. L. 116-283) as implemented in SBA's direct final rule published August 19, 2022 (87 FR 50925). The two statutory provisions provide contracting incentives to mentors that subcontract to protégé firms that are Puerto Rican and covered territory businesses as defined by section 866. Additionally, this rule implements changes to SBA's regulations to clarify that (1) prime contractors may rely on self-certifications of their subcontractors, and (2) an Alaska Native Corporation owned firm that does not individually qualify as small but counts as a small business or a small disadvantaged business for subcontracting goaling purposes under 43 U.S.C. 1626(e)(4)(B) is not currently required to submit a subcontracting plan. This rule promotes equity in Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
NPRM Comment Period End.	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300-5917, *Email:* carrie.moore@gsa.gov.

RIN: 9000-AO50

232. Federal Acquisition Regulation (FAR); FAR Case 2023-003, Prohibition on the Use of Reverse Auctions for Complex, Specialized, or Substantial Design and Construction Services [9000-AO51]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a proposed rule to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the prohibition on the use of a reverse auction for the award of a contract for complex, specialized, or substantial design and construction services. These prohibitions are the result of the Construction Consensus Procurement Improvement Act of 2021 (Pub. L. 117-28), which amended the Consolidated Appropriations Act, 2020 (Pub. L. 116-93), to correct a provision on the prohibition on the use of a reverse auction. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	
NPRM Comment Period End.	12/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208-4949, *Email:* michaelo.jackson@gsa.gov.

RIN: 9000-AO51

233. • Federal Acquisition Regulation (FAR); Far Case 2023-006, Preventing Organizational Conflicts of Interest in Federal Acquisition [9000-AO54]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the Preventing Organizational Conflicts of Interest in Federal Acquisition Act (Pub. L. 117-324). The statute requires the FAR to be revised to provide and update definitions, guidance, and examples related to organizational conflicts of interest (OCI), including the creation of solicitation provisions and contract clauses to avoid or mitigate OCI, that require contractors to disclose information relevant to potential OCI and limit future contracting. The statute also requires the FAR be updated to permit contracting officers to take into consideration professional standards and procedures to prevent OCI to which an offeror or contractor is subject.

Timetable:

Action	Date	FR Cite
NPRM	12/00/23	
NPRM Comment Period End.	02/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.

RIN: 9000-AO54

234. • Federal Acquisition Regulation (FAR); FAR Case 2023-008, Prohibition on Certain Semiconductor Products and Services [9000-AO56]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 5949(a) of the National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263) to prohibit executive agencies from: (1) procuring or obtaining, or extending or renewing a contract to procure or obtain, any electronic parts, products, or services that include covered semiconductor products or services; or (2) entering into a contract, or extending or renewing a contract, with an entity to procure or obtain electronic parts or products that include covered semiconductor products or services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/24	
NPRM Comment Period End.	04/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586-1280, *Email:* marissa.ryba@gsa.gov.

RIN: 9000-AO56

**DEPARTMENT OF DEFENSE/
GENERAL SERVICES
ADMINISTRATION/NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Final Rule Stage

**235. FAR Acquisition Regulation (FAR);
FAR Case 2015–038, Reverse Auction
Guidance [9000–AN31]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over multiple rounds of bidding in order to win Federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy memorandum, “Effective Use of Reverse Auctions,” which was issued in response to recommendations from the Government Accountability Office (GAO) report, Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings” (GAO–14–108). Reverse auctions are one tool used by Federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies’ use of reverse auctions to help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM	12/07/20	85 FR 78815
NPRM Comment Period End.	02/05/21	
Final Rule	10/00/23	

*Regulatory Flexibility Analysis
Required:* Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 208–4949, Email: michael.o.jackson@gsa.gov.
RIN: 9000–AN31

236. Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees [9000–AN32]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy

provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, “Enhancement of Contractor Protection From Reprisal for Disclosure of Certain Information,” and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The rule clarifies that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing to any of the entities such as agency Inspector Generals and Congress information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract.) This rule enhances whistleblower protections for contractor employees by making permanent the protection for disclosure of the aforementioned information and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to both contractors and subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	12/26/18	83 FR 66223
NPRM Comment Period End.	02/25/19	
Final Rule	06/00/23	

*Regulatory Flexibility Analysis
Required:* Yes.

Agency Contact: Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 571 882–4687, Email: malissa.jones@gsa.gov.
RIN: 9000–AN32

237. Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 To Encourage Vendor Feedback [9000–AN43]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback

on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule will create FAR policy to encourage regular feedback in accordance with agency practice (both for contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of the Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies will be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences of the pre-award process.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/18	83 FR 34820
ANPRM Comment Period End.	09/21/18	
NPRM	09/15/20	85 FR 57177
NPRM Comment Period End.	11/16/20	
Final Rule	07/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 969–7207, Email: zenaida.delgado@gsa.gov.
RIN: 9000–AN43

238. Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment [9000–AN83]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement section 889 (a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232). Section 889(a)(1)(A) prohibits the Government from procuring covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. Provisions have been added to the FAR which require that an offeror represent at an entity level in SAM, and if applicable on an offer-by-offer basis,

if the offeror will or will not provide any covered telecommunications equipment or services to the Government. If an offeror responds in an offer that it will provide covered telecommunications, the offeror will need to provide additional disclosures. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/19	84 FR 40216
Interim Final Rule Comment Period End.	10/15/19	
Interim Final Rule	12/13/19	84 FR 68314
Interim Final Rule Effective.	12/13/19	
Interim Final Rule Comment Period End.	02/11/20	
Final Rule	12/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* farpolicy@gsa.gov.

RIN: 9000-AN83

239. Federal Acquisition Regulation (FAR); FAR Case 2019-009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment [9000-AN92]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement paragraph (a)(1)(B) of section 889 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232). Beginning two years from the enacted date, paragraph (a)(1)(B) of section 889 prohibits the Government from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and

services. Paragraph (a)(1)(A) of section 889 is being implemented separately through FAR Case 2018-017.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/20	85 FR 42665
Interim Final Rule Effective.	08/13/20	
Interim Final Rule	08/27/20	85 FR 53126
Interim Final Rule Comment Period End.	09/14/20	
Interim Final Rule Comment Period End.	10/26/20	
Interim Final Rule Effective.	10/26/20	
Final Rule	12/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* farpolicy@gsa.gov.

RIN: 9000-AN92

240. Federal Acquisition Regulation (FAR); FAR Case 2020-011, Implementation of FASC Exclusion Orders [9000-AO13]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement policies regarding exclusion orders authorized by section 202 of the Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure (SECURE) Technology Act (Pub. L. 115-390). The SECURE Technology Act amended 41 U.S.C. 1323 to create the Federal Acquisition Security Council (FASC) and authorize the Secretary of Homeland Security, the Secretary of Defense, and the Director of National Intelligence to issue exclusion orders, upon the recommendation of the FASC. These orders are issued to protect national security by excluding certain covered products, services, or sources from the Federal supply chain.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/23	
Interim Final Rule Comment Period End.	09/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington,

DC 20405, *Phone:* 314 586-1280, *Email:* marissa.ryba@gsa.gov.

RIN: 9000-AO13

241. Federal Acquisition Regulation (FAR); FAR Case 2021-012, 8(A) Program [9000-AO29]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration, in its final rule published on October 16, 2020 (85 FR 66146), to the 8(a) Business Development Program to eliminate or reduce unnecessary or excessive burdens on 8(a) Participants. This rule promotes equity in Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	12/15/22	87 FR 76598
NPRM Comment Period End.	02/13/23	
Final Rule	06/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* dana.bowman@gsa.gov.

RIN: 9000-AO29

242. Federal Acquisition Regulation (FAR); FAR Case 2021-014, Increasing the Minimum Wage for Contractors [9000-AO31]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA will finalize an interim rule that amended the Federal Acquisition Regulation (FAR) to implement Executive Order 14026, Increasing the Minimum Wage for Federal Contractors, dated April 27, 2021, and Department of Labor regulations at 29 CFR part 23. The Executive order seeks to increase efficiency and cost savings in the work performed by parties who contract with the Federal Government by increasing to \$15.00 the hourly minimum wage paid to those contractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/26/22	87 FR 4117

Action	Date	FR Cite
Interim Final Rule Comment Pe- riod End.	03/28/22	
Final Rule	07/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.

RIN: 9000-AO31

243. Federal Acquisition Regulation (FAR); FAR Case 2021-015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk [9000-AO32]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement section 5(b)(i) of Executive Order 14030, Climate-Related Financial Risk. Section 5(b)(i) directs the Federal Acquisition Regulatory Council to consider amending the FAR to require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risk and to set science-based reduction targets.

Timetable:

Action	Date	FR Cite
NPRM	11/14/22	87 FR 68312
Comment Period Extended.	12/23/22	87 FR 78910
NPRM Comment Period End.	01/13/23	
Final Rule	12/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7386, *Email:* jennifer.hawes@gsa.gov.

RIN: 9000-AO32

244. Federal Acquisition Regulation (FAR); FAR Case 2022-003, Use of Project Labor Agreement for Federal Construction Projects [9000-AO40]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch.; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement Executive Order 14063 on the use of project labor agreements in connection

with large-scale construction projects to promote economy and efficiency in Federal procurement. The rule will require the use of project labor agreements for large-scale construction projects with a total estimated value of \$35 million or more. The rule will continue to provide discretionary use of a project labor agreement on construction projects that do not meet the definition of large-scale construction projects.

Timetable:

Action	Date	FR Cite
NPRM	08/19/22	87 FR 51044
NPRM Comment Period End.	10/18/22	
Final Rule	09/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* dana.bowman@gsa.gov.

RIN: 9000-AO40

245. Federal Acquisition Regulation (FAR); FAR Case 2022-011, Nondisplacement of Qualified Workers Under Service Contracts [9000-AO48]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA will amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 14055, Nondisplacement of Qualified Workers Under Service Contracts, dated November 18, 2021 and Department of Labor regulations (29 CFR part 9). The E.O. establishes a general policy of the Federal Government that service contracts which succeed contracts for the same or similar services, and solicitations for such contracts, shall include a non-displacement clause. The non-displacement clause requires the contractor and its subcontractors to offer qualified employees employed under the predecessor contract a right of first refusal of employment under the successor contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule Interim Final Rule Comment Pe- riod End.	07/00/23 09/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.

RIN: 9000-AO48

246. • FAR Case 2023-010, Prohibition on a Bytedance Covered Application [9000-AO58]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Consolidated Appropriations Act, 2023, and its implementing guidance. This interim rule revises the FAR to implement the prohibition of having or using the social networking service TikTok developed or provided by ByteDance Limited. This prohibition applies to the presence or use of any covered application on any information technology owned or managed by the Government. The rule implements section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328), the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget Memorandum M-23-13, dated February 27, 2023, No TikTok on Government Devices” Implementation Guidance. This rule is being implemented as a national security measure to protect Government information and information and communication technology systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule Interim Final Rule Comment Pe- riod End.	06/00/23 08/00/23	

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-4075, *Email:* farpolicy@gsa.gov.

RIN: 9000-AO58

**DEPARTMENT OF DEFENSE/
GENERAL SERVICES
ADMINISTRATION/NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Long-Term Actions

247. Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and Cots Item Contracts From Certain Laws and Regulations [9000–AN72]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 839 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232). Section 839 requires a review of each existing determination to not exempt contracts and subcontracts for commercial products, commercial services, and commercially available off-the-shelf (COTS) items from certain laws when these contracts would otherwise have been exempted under 41 U.S.C. 1906(d) or 1907(b), and a new determination whether to provide exemptions for those products, services, or items and revisions to the FAR, as necessary. This rule will also assess every FAR regulation that does not originate from a law or Executive Order, but establishes a clause to be used in contracts for commercial products or commercial services, and eliminate those regulations, unless a new determination is made not to do so. The rule will also assess each FAR regulation that requires a contractor to include a specific clause in subcontracts for COTS items, unless such inclusion is required by law or Executive Order. As a result this rule attempts to streamline the application of rules and requirements to commercial acquisitions.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	06/00/24 08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 703 605–2868, Email: mahruba.uddowla@gsa.gov.

RIN: 9000–AN72

248. Federal Acquisition Regulation (FAR); Far Case 2019–018, Federal Acquisition Supply Chain Security Act of 2018 [9000–AO01]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to partially implement a section of the Federal Acquisition Supply Chain Security Act of 2018. This law provides executive agency authorities for determining and mitigating supply chain risks in procurements involving controlled unclassified information, information technology, embedded information technology, and telecommunications. The law allows executive agencies to exclude sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	06/00/24 08/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 314 586–1280, Email: marissa.ryba@gsa.gov.

RIN: 9000–AO01

249. Federal Acquisitions Regulation (FAR); FAR Case 2021–013, Access to Past Performance Information [9000–AO30]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to clarify language at FAR 42.1503(d) regarding restrictions on the release of past performance information in the Contractor Performance Assessment Reporting System to other than Government personnel to perform value added services to the Government. Artificial intelligence (e.g., machine learning) may improve the workforce's ability to leverage the use of contractor performance information in informing future contract award decisions and other related efforts.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End.	06/00/24 08/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street, NW, Washington, DC 20405, Phone: 202 803–3188, Email: dana.bowman@gsa.gov.

RIN: 9000–AO30

**DEPARTMENT OF DEFENSE/
GENERAL SERVICES
ADMINISTRATION/NATIONAL
AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Completed Actions

250. Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry [9000–AN29]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2016. This rule clarifies that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

Completed:

Reason	Date	FR Cite
Final Rule Final Rule Effective.	12/01/22 12/30/22	87 FR 73902

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael O. Jackson, Phone: 202 208–4949, Email: michaelo.jackson@gsa.gov.

RIN: 9000–AN29

251. Federal Acquisition Regulation (FAR); FAR Case 2018–003, Credit for Lower-Tier Small Business Subcontracting [9000–AN61]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are withdrawing this proposed rule. The

decision not to proceed with a final rule was made because the underlying statute has been changed. Accordingly, this proposed rule is withdrawn, and the FAR case is closed.

Completed:

Reason	Date	FR Cite
Withdrawn	03/30/23	88 FR 19045

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Malissa Jones, Phone: 571 882-4687, Email: malissa.jones@gsa.gov.
RIN: 9000-AN61

252. Federal Acquisition Regulation (FAR); FAR Case 2019-008, Small Business Program Amendments [9000-AN91]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement regulatory changes proposed by the Small Business Administration regarding small business programs. The proposed regulatory changes include the timing of the determination of size status for multiple-award contracts for which price is not evaluated at the contract level; the grounds for size-status protests; and the grounds for socioeconomic status protests.

Completed:

Reason	Date	FR Cite
Final Rule	02/14/23	88 FR 9734

Reason	Date	FR Cite
Final Rule Effective.	03/16/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Malissa Jones, Phone: 571 882-4687, Email: malissa.jones@gsa.gov.
RIN: 9000-AN91

253. Federal Acquisition Regulation (FAR); FAR Case 2020-007, Accelerated Payments Applicable to Contracts With Certain Small Business Concerns [9000-AO10]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2020 to provide for accelerated payments to small business contractors and subcontractors and a comparable statute applicable only to the Department of Defense.

Completed:

Reason	Date	FR Cite
Final Rule	02/14/23	88 FR 9730
Final Rule Effective.	03/16/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenaida Delgado, Phone: 202 969-7207, Email: zenaida.delgado@gsa.gov.

RIN: 9000-AO10

254. Federal Acquisition Regulation (FAR); FAR Case 2022-002, Exemption of Certain Contracts From the Periodic Inflation Adjustments to the Acquisition-Related Thresholds [9000-AO39]

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 4; 10 U.S.C. ch. 137 legacy provisions; 10 U.S.C. 3016; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2022 that provides a statutory exception to the periodic inflation adjustments of acquisition-related thresholds for certain bond requirements.

Completed:

Reason	Date	FR Cite
Final Rule	04/26/23	88 FR 25476
Final Rule Effective.	05/26/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Ryba, Phone: 314 586-1280, Email: marissa.ryba@gsa.gov.

RIN: 9000-AO39

[FR Doc. 2023-14553 Filed 7-26-23; 8:45 am]

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Part XIX

Consumer Financial Protection Bureau

Semiannual Regulatory Agenda

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Ch. X

Semiannual Regulatory Agenda

AGENCY: Consumer Financial Protection Bureau.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) is publishing this agenda as part of the Spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from June 1, 2023 to May 31, 2024. The next agenda will be published in Fall 2023 and will update this agenda through Fall 2024. Publication of this agenda is in accordance with the

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).
DATES: This information is current as of March 22, 2023.
ADDRESS: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.
SUPPLEMENTARY INFORMATION: The CFPB is publishing its Spring 2023 Agenda as part of the Spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget (OMB) under Executive Order 12866. The agenda lists the regulatory matters that the CFPB reasonably anticipates, as of March 22, 2023, that it will have under consideration during the period

from June 1, 2023, to May 31, 2024, as described further below.¹ The complete Unified Agenda is available to the public at the following website: <https://www.reginfo.gov>.
Consistent with procedures established by OMB's Office of Information and Regulatory Affairs,² the CFPB's active agenda is divided into five sections: pre-rule stage; proposed rule stage; final rule stage; long-term actions, completed actions. Generally, the pre-rule through final rule stages sections list items the CFPB plans to issue within the next 12 months. The long-term actions are listed for informational purposes, if a regulatory action is anticipated beyond that one-year time frame. Completed actions are those that have been published as final or are withdrawn.
Rohit Chopra,
Director, Consumer Financial Protection Bureau.

CONSUMER FINANCIAL PROTECTION BUREAU—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
255	Amendments to FIRREA Concerning Automated Valuation Models	3170-AA57
256	Required Rulemaking on Personal Financial Data Rights	3170-AA78

CONSUMER FINANCIAL PROTECTION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
257	Small Business Lending Data Collection Under the Equal Credit Opportunity Act	3170-AA09

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Proposed Rule Stage

255. Amendments to FIRREA Concerning Automated Valuation Models [3170-AA57]

Legal Authority: 12 U.S.C. 3354
Abstract: The CFPB is participating in an interagency rulemaking process with the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Federal Housing Finance Agency (collectively, the Agencies) to develop regulations to implement the amendments made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) concerning automated valuation

models. The FIRREA amendments require implementing regulations for quality control standards for automated valuation models (AVMs). In February 2022, the CFPB initiated the process under the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) for this rulemaking and released an outline of proposals and alternatives under consideration for the SBREFA panel, made up of representatives of small businesses that might be affected by the rulemaking. The CFPB released a final SBREFA report on May 13, 2022. The Agencies expect to issue a proposed rule to implement the Dodd-Frank Act's AVM amendments to FIRREA in June 2023.

Timetable:

Action	Date	FR Cite
SBREFA Outline	02/23/22	
SBREFA Report ..	05/13/22	

reporting information for this Unified Agenda in a manner consistent with past practice.

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Pedro De Oliveira, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, Phone: 202 435-7700.
RIN: 3170-AA57

256. Required Rulemaking on Personal Financial Data Rights [3170-AA78]

Legal Authority: 12 U.S.C. 5533
Abstract: Section 1033 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) provides that, subject to rules prescribed by the Bureau, a covered entity (for example, a bank) must make available to consumers, upon request, transaction data and other information concerning a consumer financial product or service

¹ The listing does not include certain routine, frequent, or administrative matters. The CFPB is

² See https://www.reginfo.gov/public/jsp/eAgenda/UA_About.myjsp.

that the consumer obtains from the covered entity. Section 1033 also states that the Bureau must prescribe by rule standards to promote the development and use of standardized formats for information made available to consumers. In November 2020, the Bureau published an Advance Notice of Proposed Rulemaking (ANPRM) concerning implementation of section 1033, accepting comments until February 2021. In October 2022, the Bureau released materials in advance of convening a panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA), in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy. The SBREFA panel was convened in February 2023 and received feedback from representatives of small entities on the impacts the rules the Bureau is considering to implement section 1033 would have on small entities likely to be directly affected by the rulemaking. The panel's report will be completed in April 2023. The Bureau's next step in the rulemaking is to issue a Notice of Proposed Rulemaking (NPRM).

Timetable:

Action	Date	FR Cite
Request for Information.	11/22/16	81 FR 83806
Principles Statement.	10/18/17	
ANPRM	11/06/20	85 FR 71003
ANPRM Comment Period End.	02/04/21	
SBREFA Outline	10/27/22	
SBREFA Report ..	04/03/23	

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Scherzer, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, *Phone:* 202 435-7700.

RIN: 3170-AA78

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Completed Actions

257. Small Business Lending Data Collection Under the Equal Credit Opportunity Act [3170-AA09]

Legal Authority: 15 U.S.C. 1691c-2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the Equal Credit Opportunity Act (ECOA) to require, subject to rules prescribed by the CFPB, financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. In September 2020, the CFPB released an outline of proposals under consideration and alternatives considered in advance of convening a panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA), in conjunction with the Office of Management and Budget and the Small Business Administration's Chief Counsel for Advocacy. The SBREFA panel was

convened in October 2020 and received feedback from representatives of small entities on the impacts the rules the Bureau is considering to implement section 1071 would have on small entities likely to be directly affected by the rulemaking. The panel's report was completed and released in December 2020. On October 8, 2021, a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register**. The CFPB's next action for the section 1071 rulemaking is the issuance of a final rule.

Timetable:

Action	Date	FR Cite
Request for Information.	05/15/17	82 FR 22318
Request for Information Comment Period End.	09/14/17	
SBREFA Outline Pre-Rule Activity—SBREFA Report.	09/15/20 12/14/20	
NPRM	10/08/21	86 FR 56356
NPRM Comment Period End.	01/06/22	
Final Rule	05/31/23	88 FR 35150

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kristine Andreassen, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, *Phone:* 202 435-7700.

RIN: 3170-AA09

[FR Doc. 2023-14564 Filed 7-26-23; 8:45 am]

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Part XX

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulations that the Commission expects to develop or review during the next 12 months. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on the agenda and on the individual agenda entries. Submit comments to the Office of the Secretary on or before August 28, 2023.

ADDRESSES: Caption comments on the regulatory agenda, “Regulatory Flexibility Agenda.” You can submit comments by email to: cpsc-os@cpsc.gov. You can also submit comments by mail or delivery to the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact David M. DiMatteo, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408, ddimatteo@cpsc.gov. For further information regarding a particular item on the agenda, contact the person listed in the column titled, “Contact,” for that item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) contains several provisions intended to reduce unnecessary and disproportionate

regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA requires each agency to publish, twice a year, a regulatory flexibility agenda containing “a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities.” 5 U.S.C. 602. The agency must provide a summary of the nature of the rule, the objectives and legal basis for the rule, and an approximate schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. *Id.* In addition, the regulatory flexibility agenda must contain the name and telephone number of an agency official who is knowledgeable about the listed items. *Id.* Agencies must attempt to provide notice of their agendas to small entities and solicit their comments either by directly notifying them, or by including the agenda in publications that small entities are likely to obtain. *Id.*

In addition, Executive Order 12866, *Regulatory Planning and Review* (Sep. 30, 1993), requires each agency to publish, twice a year, a regulatory agenda of regulations under development or review during the next year. 58 FR 51735 (Oct. 4, 1993). The Executive Order states that agencies may combine this agenda with the regulatory flexibility agenda required under the RFA. The agenda required by Executive Order 12866 must include all of the regulations the agency expects to develop or review during the next 12 months, regardless of whether they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that the Commission listed in the fall 2022 agenda and completed before publishing this agenda.

The agenda contains a brief description and summary of each

regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for developing or completing each activity; and the name and telephone number of an agency official who is knowledgeable about items in the agenda.

The internet is the primary means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at: www.reginfo.gov, in a format that allows users to obtain information from the agenda database.

Because agencies must publish in the **Federal Register** the regulatory flexibility agenda required by the RFA (5 U.S.C. 602), the Commission’s printed agenda entries include only:

(1) rules that are in the agency’s regulatory flexibility agenda, in accordance with the RFA, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) rules that the agency has identified for periodic review under section 610 of the RFA.

The entries in the Commission’s printed agenda are limited to fields that contain information that the RFA requires in an agenda. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects the Commission’s assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in the law, may alter anticipated timing. In addition, this agenda does not represent a final determination by the Commission or its staff regarding the need for, or the substance of, any rule or regulation.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	Portable Generators	3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
259	Regulatory Options for Table Saws	3041–AC31

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
260	Recreational Off-Road Vehicles	3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
261	Petition for Rulemaking to Eliminate Accessible Cords on Window Covering Products	3041-AD31
262	Furniture Tip Overs: Clothing Storage Units	3041-AD65

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

258. Portable Generators [3041-AC36]

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: In 2006, the Commission issued an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discussed regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. In fiscal year 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also, in fiscal year 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. In fiscal year 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. After additional staff and contractor work, the Commission issued a notice of proposed rulemaking (NPRM) in 2016, proposing a performance standard that would limit the CO emission rates from operating portable generators. In 2018, two voluntary standards adopted different CO-mitigation requirements intended to address the CO poisoning hazard associated with portable generators. Staff developed a simulation and analysis plan to evaluate the effectiveness of those voluntary standards' requirements. In 2019, the Commission sought public comments on staff's plan. In August 2020, staff submitted to the Commission a draft notice of availability of the modified plan, based on staff's review and

consideration of the comments, for evaluating the voluntary standards; the Commission published the notice of availability in August 2020. In February 2022, staff delivered a briefing package to the Commission with the results of the effectiveness analysis and information on the availability of compliant generators in the marketplace. Staff concluded that the CO hazard-mitigation requirements of one standard are more effective than the other, but conformance to either standard is low. Staff intends to deliver a supplemental NPRM rule and a Final Rule on portable generators to the Commission in fiscal year 2023.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	71 FR 74472
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	
ANPRM Comment Period End.	02/12/07	81 FR 83556 81 FR 89888
Staff Releases Research Report for Comment.	10/10/12	
NPRM	11/21/16	
NPRM Comment Period Extended.	12/13/16	
Public Hearing for Oral Comments.	03/08/17	
NPRM Comment Period End.	04/24/17	82 FR 8907
Staff Sends Notice of Availability to the Commission.	06/26/19	
Commission Decision.	07/02/19	
Notice of Availability.	07/09/19	
		84 FR 32729

Action	Date	FR Cite
Staff Sends Notice of Availability to Commission.	08/12/20	85 FR 52096
Commission Decision.	08/19/20	
Notice of Availability.	08/24/20	
Staff Report on Effectiveness Evaluation of Voluntary Standards.	02/16/22	
Staff Sends (S)NPRM Briefing Package to Commission.	03/08/23	
Commission Decision.	04/05/23	88 FR 24346
NPRM	04/20/23	
NPRM Comment Period End.	06/20/23	
Staffs Sends Briefing Package to Commission.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2293, Email: jbuyer@cpsc.gov.

RIN: 3041-AC36

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

259. Regulatory Options for Table Saws [3041-AC31]

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: In 2006, the Commission granted a petition asking that the Commission issue a rule to prescribe performance standards for an active

injury mitigation (AIM) system to reduce or prevent injuries from contacting the blade of a table saw. The Commission subsequently issued a notice of proposed rulemaking (NPRM) that would establish a performance standard requiring table saws to limit the depth of cut to 3.5 millimeters when a test probe, acting as a surrogate for a human body/finger, contacts the table saw's spinning blade. Staff has conducted several studies to provide information for the rulemaking. Staff intends to submit a final rule briefing package to the Commission in fiscal year 2023.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sent 2017 NEISS Table Saw Special Study to Commission.	11/13/18	
Notice of Availability of 2017 NEISS Table Saw Special Study.	12/04/18	83 FR 62561
Staff Sends a Status Briefing Package on Table Saws to Commission.	08/28/19	
Commission Decision.	09/10/19	
Staff Sends Final Rule Briefing Package to Commission.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2225, Email: cpaul@cpsc.gov.

RIN: 3041-AC31

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

260. Recreational Off-Road Vehicles [3041-AC78]

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. In 2014, the Commission issued a notice of proposed rulemaking (NPRM) proposing standards addressing vehicle stability, vehicle handling, and occupant protection for recreational off-road vehicles (ROVs). Congress directed in fiscal year 2016, and reaffirmed in subsequent fiscal year appropriations, that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the proposed Safety Standard for Recreational Off-Highway Vehicles until after the National Academy of Sciences completes a study to determine specific information, as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1-2016 and ANSI/OPEI B71.9-2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. In the Fiscal Year 2020 Operating Plan, the Commission directed staff to prepare a

rulemaking termination briefing package. Staff submitted a briefing package to the Commission on September 16, 2020 that recommended termination of the rulemaking. On September 22, 2020, the Commission voted 2-2 on this matter. A majority was not reached and no action is being taken.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in FEDERAL REGISTER.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff Sends Briefing Package to Commission.	09/16/20	
Commission Decision: Majority Not Reached, No Action Will be Taken.	09/22/20	
Next Step Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center,

5 Research Place, Rockville, MD 20850,
Phone: 301 987-2225, Email: cpaul@
cpsc.gov.

RIN: 3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

261. Petition for Rulemaking To Eliminate Accessible Cords on Window Covering Products [3041-AD31]

Legal Authority: 5 U.S.C. 553(e); 15
U.S.C. 2056; 15 U.S.C. 2058; 15 U.S.C.
2064(j)

Abstract: The Commission received a petition from a group of nine organizations representing consumer groups, safety consultants, and legal counsel. The petition requested that the Commission initiate proceedings to promulgate a mandatory standard to eliminate accessible cords on window covering products. The petition asserts that a mandatory rule is necessary because attempts to develop a voluntary standard that adequately mitigates the risk of injury associated with window covering cords have been unsuccessful. The Commission voted to accept CPSC staff's recommendation to approve the petition and subsequently issued an advance notice of proposed rulemaking (ANPRM) for corded window coverings. The ANPRM began a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to address the risk of strangulation to young children that is associated with corded window covering products. Staff sent two notices of proposed rulemaking (NPRMs) to the Commission for consideration in October 2021. The first NPRM, under section 15(j) of the CPSA, was to amend 16 CFR part 1120 to add hazardous operating and inner cords on stock window coverings, and hazardous inner cords on custom window coverings, to the list of substantial product hazards. The listed cords would be required to comply with the 2018 voluntary standard for window covering cords or else be subject to denial of admission and/or corrective action. The second NPRM, under sections 7 and 9 of the CPSA, proposed that operating cords on custom window coverings meet the same requirements as operating cords on stock window coverings under the 2018 voluntary standard. The Commission voted in January 2022 to issue both proposed rules. The comment period ended on March 23, 2022. On March 16, 2022, the Commission held a hearing for the presentation of oral comments on the rule for operating cords on custom window coverings. On

September 28, 2022, staff submitted a final rule briefing package to the Commission containing a final rule under section 15(j) of the CPSA and a final rule for operating cords on custom window coverings under sections 7 and 9 of the CPSA. On November 7, 2022, the Commission voted (4-0) to issue both final rules. Both rules were published in the **Federal Register** on November 28, 2022.
Timetable:

Action	Date	FR Cite
Petition Docketed	06/26/13	78 FR 42026
Notice for Comment Published in Federal Register .	07/15/13	
Comment Period End.	09/13/13	80 FR 2327
Staff Sends ANPR Briefing Package to Commission.	09/30/14	
Commission Decision.	10/08/14	80 FR 15173
ANPRM Published in the Federal Register .	01/16/15	
Draft FR Notice to Commission to Extend ANPR Comment Period.	03/10/15	87 FR 891
FR Notice Announcing Extension of Comment Period.	03/23/15	
Comment Period Closed.	06/01/15	87 FR 1014
NPRM Briefing Package to Commission.	10/06/21	
Commission Decision.	12/14/21	87 FR 891
NPRM for Stock Window Coverings.	01/07/22	
NPRM for Custom Window Coverings.	01/07/22	87 FR 1014
Draft FR Notice to Commission to Extend NPRM Comment Period.	02/23/22	
Commission Decision Not To Extend Comment Period.	03/01/22	87 FR 1014
Hearing to Present Oral Comments on NPRM re Custom Window Coverings.	03/16/22	
Staff Sends Final Rule Briefing Package to Commission.	09/28/22	87 FR 1014
Commission Decision.	11/07/22	

Action	Date	FR Cite
Final Rule Published for Amendment to 16 CFR 1120.	11/28/22	87 FR 72873
Final Rule Published for 16 CFR 1260.	11/28/22	87 FR 73144

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Rana Balci-Sinha, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2584, Email: rbalcisinha@cpsc.gov.
RIN: 3041-AD31

262. Furniture Tip Overs: Clothing Storage Units [3041-AD65]

Legal Authority: 15 U.S.C. 2056; 15
U.S.C. 2058; 15 U.S.C. 2076(e)

Abstract: Based on direction in the Fiscal Year 2016 Operating Plan, staff submitted a briefing package to the Commission in September 2016, addressing furniture tip overs and focused, specifically, on clothing storage unit (CSU) tip overs. CPSC is aware of fatal and nonfatal incidents involving CSUs tipping over. The majority of incidents involve children. In November 2017, the Commission issued an advance notice of proposed rulemaking (ANPRM), seeking comments and initiating rulemaking under the Consumer Product Safety Act (15 U.S.C. 2051-2089). In July 2021, staff submitted a notice of proposed rulemaking (NPRM) briefing package to the Commission. On January 19, 2022, the Commission approved publication of an NPRM addressing CSU tip overs. The NPRM was published in the **Federal Register** on February 3, 2022. The written comment period closed on April 19, 2022. On February 16, 2022, staff submitted to the Commission a draft notice announcing the opportunity for interested parties to make oral comments on the NPRM. On February 23, 2022, the Commission voted to approve publication of the oral comment notice. The oral comment notice was published in the **Federal Register** on March 1, 2022, and the Commission held the hearing on April 6, 2022. After reviewing comments on the NPRM, staff submitted a final rule briefing package to the Commission on September 28, 2022. On October 19, 2022, the Commission approved publication of the final rule. The final rule was published in the **Federal Register** on November 25, 2022.

<i>Timetable:</i>			Action	Date	FR Cite	Action	Date	FR Cite
Action	Date	FR Cite						
Staff Sent Briefing Package to Commission.	09/30/16		Draft Notice of Oral Comment Hearing to Commission.	02/16/22		Staff Sends Final Rule Briefing Package to Commission.	09/28/22	
Staff Sent ANPRM Briefing Package to Commission.	11/15/17		Commission Decision on Notice of Oral Comment Hearing.	02/23/22		Commission Decision.	10/19/22	
Commission Decision on ANPRM.	11/21/17		Draft FR Notice to Commission to Extend NPRM Comment Period.	02/23/22		Final Rule publishes.	11/25/22	87 FR 72598
ANPRM	11/30/17	82 FR 56752				<i>Regulatory Flexibility Analysis Required: Yes.</i>		
Comment Period Extended.	01/17/18	83 FR 2382	Commission Decision Not To Extend Comment Period.	03/01/22		<i>Agency Contact:</i> Kristen Talcott, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, <i>Phone:</i> 301 987-2311, <i>Email:</i> ktalcott@cpsc.gov.		
Comment Period End.	04/14/18		Notice of Oral Comment Hearing.	03/01/22	87 FR 11366	<i>RIN:</i> 3041-AD65		
Staff Sent NPRM Briefing Package to Commission.	07/14/21		Oral Comment Hearing.	04/06/22		[FR Doc. 2023-14554 Filed 7-26-23; 8:45 am]		
Commission Decision on NPRM.	01/19/22		End of NPRM Comment Period.	04/19/22		BILLING CODE 6355-01-P		
NPRM	02/03/22	87 FR 6246						



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Part XXI

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Ch. I****Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2023**

AGENCY: Federal Communications Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (5 U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at www.reginfo.gov.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andrea Brown, Program Specialist, Office of Communications Business Opportunities, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, (202) 418–1663.

SUPPLEMENTARY INFORMATION:**Unified Agenda of Major and Other Significant Proceedings**

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in “MB Docket No. 15–137,” which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—the Commission will issue an NOI when it is seeking information on a broad

subject or trying to generate ideas on a given topic. Interested parties may submit comments during the specified comment period.

Notice of Proposed Rulemaking (NPRM)—the Commission will issue an NPRM when it is proposing new rules or changes to existing rules and regulations. Before any changes are actually made, the Commission requests interested parties to submit written comments on the proposed rules or revisions.

Further Notice of Proposed Rulemaking (FNPRM)—the Commission will issue an FNPRM when it is seeking additional information from the public and requests the public to submit comments in the proceeding.

Memorandum Opinion and Order (MO&O)—the Commission will issue an MO&O in response to a petition for rulemaking, to conclude an inquiry, modify a decision, amend a Report and Order, or state that the Report and Order will not be changed.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—the Commission may issue an R&O that will either adopt new rules, change existing rules, or state that no rule or regulation changes will be made.

Marlene H. Dortch,
Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
263	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
264	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
265	Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10–51)	3060–AJ42
266	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12–129).	3060–AJ84
267	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
268	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
269	Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59)	3060–AK62
270	Empowering Broadband Consumers Through Transparency (CG Docket No 02–278)	3060–AL33
271	Targeting and Eliminating Unlawful Text Messages, CG Docket 21–403, Notice of Proposed Rulemaking	3060–AL49
272	Misuse of Internet Protocol (IP) Relay Service; CG Docket No. 12–38	3060–AL58
273	Compensation for Internet Protocol Captioned Telephone Service	3060–AL59

ECONOMICS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
274	Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15

ECONOMICS—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
275	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268).	3060–AJ82
276	Broadband Data Collection	3060–AL42

ECONOMICS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
277	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
278	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
279	Use of the 5.850–5.925 GHz Band; (ET Docket No. 19–138), FCC 19–129	3060–AK96
280	Unlicensed White Space Device Operations in the Television Bands (ET Docket No. 20–36)	3060–AL22
281	Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21–232, EA Docket No. 21–233.	3060–AL23
282	Wireless Microphones in the TV Bands (ET Docket No. 21–115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz.	3060–AL27
283	FCC Seeks to Enable State-of-the-Art Radar Sensors in 60 GHz Band (ET Docket No. 21–264)	3060–AL36
284	FCC Proposes to Update Equipment Authorization Rules to Incorporate New and Revised Industry Standards, (ET Docket No. 21–363).	3060–AL39
285	Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13–115)	3060–AL44

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
286	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. 16–408.	3060–AK59
287	Amendment of Parts 2 and 25 of the FCC Rules to Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17–95.	3060–AK84
288	Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18–315.	3060–AK89
289	Space Innovation; Mitigation of Orbital Debris in the New Space Age: IB Docket Nos. 18–313, 22–271	3060–AK90
290	Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership (IB Docket No. 16–155).	3060–AL12
291	Parts 2 and 25 to Enable GSO FSS in the 17.3–17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS (IB Doc. No. 20–330).	3060–AL28
292	Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21–456.	3060–AL41
293	Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation (IB Docket Nos. 22–411 and 22–271).	3060–AL51

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
294	Revision of EEO Rules and Policies (MM Docket No. 98–204)	3060–AH95
295	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
296	Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
297	2018 Quadrennial Regulatory Review of the Commission’s Broadcast Ownership Rules (MB Docket 18–349).	3060–AK77
298	Equal Employment Opportunity Enforcement (MB Docket 19–177)	3060–AK86
299	Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19–310)	3060–AL19
300	Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20–299).	3060–AL20
301	FM Broadcast Booster Stations (MB Docket 20–401)	3060–AL21

MEDIA BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
302	Amendment of Part 73 Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations (MB Docket No. 22–227).	3060–AL50

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
303	Assessment and Collection of Regulatory Fees	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
304	Wireless E911 Location Accuracy Requirements: PS Docket No. 07–114	3060–AJ52
305	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
306	Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications: (PS Docket No. 15–80, 18–336, 23–5).	3060–AK40
307	New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
308	Wireless Emergency Alerts (WEA): PS Docket No. 15–91, 15–94, 22–329	3060–AK54
309	911 Fee Diversion Rulemaking: PS Docket Nos. 20–291, 09–14	3060–AL31
310	Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No 21–346.	3060–AL43
311	Location—Based Routing for Wireless 911 Calls (P.S. Docket 18–64)	3060–AL52

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
312	Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
313	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
314	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258	3060–AK12
315	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170)	3060–AK28
316	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10–112	3060–AK44
317	Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18–122	3060–AK76
318	Amendment of the Commission's Rules to Promote Aviation Safety: WT Docket No. 19–140	3060–AK92
319	Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No.19–250).	3060–AL29
320	Expanding Flexible Use of the 12.2–12.7 GHz Band, et al., WT Docket No. 20–443, et al	3060–AL40
321	Facilitating Shared Use in the 3100–3550 MHz Band	3060–AL57

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
322	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96–115), Data Breach Reporting Requirements (WC Docket No. 22–21).	3060–AG43
323	Local Telephone Networks That LECs Must Make Available to Competitors	3060–AH44
324	Jurisdictional Separations	3060–AJ06
325	Rates for Inmate Calling Services; WC Docket No. 12–375; Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act, WC Docket No. 23–62.	3060–AK08
326	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130)	3060–AK20
327	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28).	3060–AK21
328	Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
329	Numbering Policies for Modern Communications, WC Docket No. 13–97	3060–AK36
330	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AK57
331	Toll Free Assignment Modernization and Toll Free Service Access Codes: WC Docket No. 17–192, CC Docket No. 95–155.	3060–AK91
332	Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19–195 and 11–10	3060–AK93
333	Call Authentication Trust Anchor	3060–AL00

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
334	Implementation of the National Suicide Improvement Act of 2018	3060–AL01
335	Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services	3060–AL02
336	Establishing a 5G Fund for Rural America; GN Docket No. 20–32	3060–AL15
337	Improving Competitive Broadband Access to Multiple Tenant Environments	3060–AL35
338	Supporting Survivors of Domestic and Sexual Violence (WC Docket No. 22–238, 11–42, 21–450)	3060–AL48

FEDERAL COMMUNICATIONS COMMISSION (FCC)*Consumer and Governmental Affairs Bureau*

Long-Term Actions

**263. Rules and Regulations
Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278) [3060–AI14]***Legal Authority:* 47 U.S.C. 227

Abstract: In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on robocalls (calls using an automatic telephone dialing system, an autodialer, a prerecorded or, an artificial voice), telemarketing calls, and unsolicited fax advertisements.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	

Action	Date	FR Cite
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129
NPRM	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O	11/16/16	81 FR 80594
Public Notice	06/28/18	83 FR 26284
Public Notice	10/03/18	
Declaratory Ruling	12/06/19	
Declaratory Ruling	12/09/19	
Order	03/17/20	
Declaratory Ruling	03/20/20	
Declaratory Ruling	06/25/20	
Declaratory Ruling and Order.	06/25/20	
Order on Reconsideration.	08/28/20	
Declaratory Ruling	09/04/20	
Declaratory Ruling	09/21/20	
NPRM	10/09/20	85 FR 64091
Public Notice	12/17/20	
Declaratory Ruling	12/18/20	
Declaratory Ruling	01/15/21	
Order on Recon ..	02/12/21	86 FR 9299
R&O	02/25/21	86 FR 11443
Public Notice (Reconsideration Petitions Filed).	04/12/21	86 FR 18934
Declaratory Ruling and Order.	12/14/22	87 FR 76425
Order on Reconsideration and Declaratory Ruling.	01/20/23	88 FR 3668
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristi Thornton, Deputy Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2467, Email: kristi.thornton@fcc.gov, RIN: 3060–AI14

**264. Rules and Regulations
Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123) [3060–AI15]**

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding continues the Commission's inquiry into improving the quality of telecommunications relay service (TRS)

and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Public Notice	08/16/07	72 FR 46060	Petition for Recon-	12/16/13	78 FR 76096	Public Notice; Peti-	10/25/17	82 FR 49303
Order	11/01/07	72 FR 61813	sideration; Re-			tion for Recon-		
Public Notice	01/04/08	73 FR 863	quest for Com-			sideration.		
R&O/Declaratory	01/17/08	73 FR 3197	ment.			Oppositions Due	11/20/17	
Ruling.			Petition for Re-	12/16/13	78 FR 76097	Date.		
Order	02/19/08	73 FR 9031	consideration;			R&O and Declara-	06/27/18	83 FR 30082
Order	04/21/08	73 FR 21347	Request for			tory Ruling.		
R&O	04/21/08	73 FR 21252	Comment.			FNPRM	07/18/18	83 FR 33899
Order	04/23/08	73 FR 21843	Request for Clari-	12/30/13	78 FR 79362	FNPRM Comment	11/15/18	
Public Notice	04/30/08	73 FR 23361	fication; Re-			Period End.		
Order	05/15/08	73 FR 28057	quest for Com-			Public Notice	08/23/18	83 FR 42630
Declaratory Ruling	07/08/08	73 FR 38928	ment; Correc-			Public Notice Op-	09/17/18	
FNPRM	07/18/08	73 FR 41307	tion.			position Period		
R&O	07/18/08	73 FR 41286	Petition for Re-	01/10/14		End.		
Public Notice	08/01/08	73 FR 45006	consideration			Announcement of	02/04/19	84 FR 1409
Public Notice	08/05/08	73 FR 45354	Comment Pe-			Effective Date.		
Public Notice	10/10/08	73 FR 60172	riod End.			R&O	03/08/19	84 FR 8457
Order	10/23/08	73 FR 63078	NPRM Comment	01/21/14		FNPRM	03/14/19	84 FR 9276
2nd R&O and	12/30/08	73 FR 79683	Period End.			FNPRM Comment	04/29/19	
Order on Re-			Announcement of	07/11/14	79 FR 40003	Period End.		
consideration.			Effective Date.			R&O	06/06/19	84 FR 26364
Order	05/06/09	74 FR 20892	Announcement of	08/28/14	79 FR 51446	FNPRM	06/06/19	84 FR 26379
Public Notice	05/07/09	74 FR 21364	Effective Date.			Petition for Recon	06/18/19	84 FR 28264
NPRM	05/21/09	74 FR 23815	Correction—An-	08/28/14	79 FR 51450	Request for		
Public Notice	05/21/09	74 FR 23859	nouncement of			Comment.		
Public Notice	06/12/09	74 FR 28046	Effective Date.			Petition for Recon	07/15/19	
Order	07/29/09	74 FR 37624	Technical Amend-	09/09/14	79 FR 53303	Comment Pe-		
Public Notice	08/07/09	74 FR 39699	ments.			riod End.		
Order	09/18/09	74 FR 47894	Public Notice	09/15/14	79 FR 54979	FNPRM Comment	08/05/19	
Order	10/26/09	74 FR 54913	R&O and Order ...	10/21/14	79 FR 62875	Period End.		
Public Notice	05/12/10	75 FR 26701	FNPRM	10/21/14	79 FR 62935	R&O	01/06/20	85 FR 462
Order Denying	07/09/10		FNPRM Comment	12/22/14		R&O	01/09/20	85 FR 1125
Stay Motion			Period End.			NPRM	01/09/20	85 FR 1134
(Release Date).			Final Action (An-	10/30/14	79 FR 64515	NPRM Comment	02/13/20	
Order	08/13/10	75 FR 49491	nouncement of			Period End.		
Order	09/03/10	75 FR 54040	Effective Date).			Announcement of	02/19/20	85 FR 9392
NPRM	11/02/10	75 FR 67333	Final Rule Effec-	10/30/14		Effective Date.		
NPRM	05/02/11	76 FR 24442	tive.			Final Rule; re-	05/06/20	85 FR 26857
Order	07/25/11	76 FR 44326	FNPRM	11/08/15	80 FR 72029	moval of com-		
Final Rule (Order)	09/27/11	76 FR 59551	FNPRM Comment	01/01/16		pliance notices.		
Final Rule; An-	11/22/11	76 FR 72124	Period End.			Report & Order ...	05/08/20	85 FR 27309
nouncement of			Public Notice	01/20/16	81 FR 3085	Final Rule; correc-	08/26/20	85 FR 52489
Effective Date.			Public Notice	02/16/16		tion.		
Proposed Rule	02/28/12	77 FR 11997	Comment Pe-			R&O and Order	10/14/20	85 FR 64971
(Public Notice).			riod End.			on Recon.		
Proposed Rule	02/01/12	77 FR 4948	R&O	03/21/16	81 FR 14984	Final Rule; an-	10/23/20	85 FR 67447
(FNPRM).			FNPRM	08/24/16	81 FR 57851	nouncement of		
First R&O	07/25/12	77 FR 43538	FNPRM Comment	09/14/16		effective and		
Public Notice	10/29/12	77 FR 65526	Period End.			compliance		
Order on Recon-	12/26/12	77 FR 75894	NOI and FNPRM	04/12/17	82 FR 17613	dates.		
sideration.			NOI and FNPRM	05/30/17		FNPRM	02/01/21	86 FR 7681
Order	02/05/13	78 FR 8030	Comment Pe-			FNPRM Comment	04/02/21	
Order (Interim	02/05/13	78 FR 8032	riod End.			Period End.		
Rule).			R&O	04/13/17	82 FR 17754	Public Notice; Peti-	02/22/21	86 FR 10458
NPRM	02/05/13	78 FR 8090	R&O	04/27/17	82 FR 19322	tion for Recon-		
Announcement of	03/07/13	78 FR 14701	FNPRM	04/27/17	82 FR 19347	sideration.	03/19/21	
Effective Date.			FNPRM Comment	07/11/17		Oppositions Due		
NPRM Comment	03/13/13		Period End.			Date.		
Period End.			R&O	06/23/17	82 FR 28566	R&O	02/23/21	86 FR 10844
FNPRM	07/05/13	78 FR 40407	Public Notice	07/21/17	82 FR 33856	NPRM	03/19/21	86 FR 14859
FNPRM Comment	09/18/13		Correction.	07/25/17	82 FR 34471	NPRM Comment	05/03/21	
Period End.			Public Notice	07/31/17		Period End.		
R&O	07/05/13	78 FR 40582	Comment Pe-			NPRM	06/04/21	86 FR 29969
R&O	08/15/13	78 FR 49693	riod End.			NPRM Correction	06/15/21	86 FR 31668
FNPRM	08/15/13	78 FR 49717	Public Notice—	08/17/17		Order on Recon ..	07/07/21	86 FR 35632
FNPRM Comment	09/30/13		Correction			Public Notice	07/15/21	86 FR 37328
Period End.			Comment Pe-			NPRM Correction	07/30/21	
R&O	08/30/13	78 FR 53684	riod End.			Comment Pe-		
FNPRM	09/03/13	78 FR 54201	R&O	08/22/17	82 FR 39673	riod End.	08/09/21	
NPRM	10/23/13	78FR 63152	Announcement of	10/17/17	82 FR 48203	Public Notice		
FNPRM Comment	11/18/13		Effective Date.			Comment Pe-		
Period End.						riod End.		
						Order on Recon;	10/05/21	86 FR 54871
						Correction.		

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
NPRM	10/05/21	86 FR 64440	NPRM	05/02/11	76 FR 24442	Public Notice	07/21/17	82 FR 33856
NPRM Comment	01/18/22		R&O (Correction)	05/27/11	76 FR 30841	Public Notice	07/31/17	
Period End.			Order	07/25/11	76 FR 44326	Comment Pe-		
Report & Order ...	07/18/22	87 FR 42656	2nd R&O	08/05/11	76 FR 47469	riod End.		
Report & Order ...	09/21/22	87 FR 57645	Order (Interim	08/05/11	76 FR 47476	Public Notice Cor-	07/25/17	82 FR 34471
Report & Order ...	11/25/22	87 FR 72409	Final Rule).			rection.		
NPRM	12/08/22	87 FR 75199	Final Rule; An-	09/26/11	76 FR 59269	Public Notice Cor-	08/17/17	
NPRM Comment	02/06/23		nouncement of			rection Com-		
Period End.			Effective Date.			ment Period		
Public Notice	01/31/23	88 FR 6220	Final Rule; Peti-	09/27/11	76 FR 59557	End.		
Public Notice Op-	02/27/23		tion for Recon-			R&O and Order ...	08/22/17	82 FR 39673
position Period			sideration; Pub-			Announcement of	10/17/17	82 FR 48203
End.			lic Notice.			Effective Date.		
NPRM	02/02/23	88 FR 7049	Oppositions Due	10/07/11		Public Notice; Pe-	10/25/17	82 FR 49303
NPRM Comment	04/03/23		Date.			tition for Recon-		
Period End.			Final Rule; Clari-	10/31/11	76 FR 67070	sideration.		
Order on Recon-	02/22/22		fication (MO&O).			Oppositions Due	11/20/17	
sideration.			FNPRM	10/31/11	76 FR 67118	Date.		
Final Rule; An-	03/08/23	88 FR 14251	Interim Final Rule;	11/03/11	76 FR 68116	R&O	06/06/19	84 FR 26364
nouncement of			Announcement			FNPRM	06/06/19	84 FR 26379
Effective Date.			of Effective			FNPRM Comment	08/05/19	
Next Action Unde-			Date.			Period End.		
termined.			Final Rule; An-	11/04/11	76 FR 68328	Report & Order ...	05/08/20	85 FR 27309
			nouncement of			R&O and Order	10/14/20	85 FR 64971
			Effective Date.			on Recon.		
			Final Rule; An-	11/07/11	76 FR 68642	Final rule; an-	10/23/20	85 FR 67447
			nouncement of			ouncement of		
			Effective Date.			effective and		
			FNPRM Comment	12/30/11		compliance		
			Period End.			dates.		
			FNPRM	02/01/12	77 FR 4948	FNPRM	02/01/21	86 FR 7681
			FNPRM Comment	03/19/12		FNPRM Comment	04/02/21	
			Period End.			Period End.		
			Final Rule; Cor-	03/27/12	77 FR 18106	Public Notice; Pe-	02/22/21	86 FR 10458
			rection.			tition for Recon-		
			Correcting	06/07/12	77 FR 33662	sideration.		
			Amendments.			Oppositions Due	03/19/21	
			Order (Release	07/25/12		Date.		
			Date).			NPRM	03/19/21	86 FR 14859
			Correcting	10/04/12	77 FR 60630	NPRM Comment	05/03/21	
			Amendments.			Period End.		
			Public Notice	10/29/12	77 FR 65526	NPRM	06/04/21	86 FR 29969
			Comment Period	11/29/12		NPRM Correction	06/15/21	86 FR 31668
			End.			NPRM Correction	07/30/21	
			FNPRM	07/05/13	78 FR 40407	Comment Pe-		
			R&O	07/05/13	78 FR 40582	riod End.		
			FNPRM Comment	09/18/13		Order on Recon ..	07/07/21	86 FR 35632
			Period End.			Order on Recon;	10/05/21	86 FR 54871
			Public Notice	09/11/13	78 FR 55696	Correction.		
			Public Notice	09/15/14	79 FR 54979	Report & Order ...	09/21/22	87 FR 57645
			Comment Period	10/10/14		Report & Order ...	11/25/22	87 FR 72409
			End.			NPRM	12/08/22	87 FR 75199
			Final Action (An-	10/30/14	79 FR 64515	NPRM Comment	02/06/23	
			nouncement of			Period End.		
			Effective Date).			Public Notice	01/31/23	88 FR 6220
			Final Rule Efec-	10/30/14		Public Notice Op-	02/27/23	
			tive.			position Period		
			FNPRM	11/18/15	80 FR 72029	End.		
			FNPRM Comment	02/01/16		Final Rule; An-	03/08/23	88 FR 14251
			Period End.			nouncement of		
			R&O	03/21/16	81 FR 14984	Effective Date.		
			FNPRM	08/24/16	81 FR 57851	Next Action Unde-		
			FNPRM Comment	09/14/16		termined.		
			Period End.					
			NOI and FNPRM	04/12/17	82 FR 17613			
			NOI and FNPRM	05/30/17				
			Comment Pe-					
			riod End.					
			R&O	04/13/17	82 FR 17754			
			R&O	04/27/17	82 FR 19322			
			FNPRM	04/27/17	82 FR 19347			
			FNPRM Comment	07/01/17				
			Period End.					
			Order	06/23/17	82 FR 28566			

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

Phone: 202 418-2235.

Email: eliot.greenwald@fcc.gov.

RIN: 3060-A115

265. Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10-51) [3060-AJ42]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 303(r)

Abstract: The Commission takes a fresh look at its VRS rules to ensure that it is available to and used by the full spectrum of eligible users, encourages innovation, and is provided efficiently to be less susceptible to the waste, fraud, and abuse that have plagued the program and threatened its long-term viability. The Commission also considers the most effective and efficient way to make VRS available and to determine what is the most fair, efficient, and transparent cost-recovery methodology. In addition, the Commission looks at various ways to measure the quality of VRS so as to ensure a better consumer experience.

Timetable:

Action	Date	FR Cite
Declaratory Ruling	05/07/10	75 FR 25255
Declaratory Ruling	07/13/10	75 FR 39945
Order	07/13/10	75 FR 39859
Notice of Inquiry ..	07/19/10	75 FR 41863
NPRM	08/23/10	75 FR 51735
Interim Final Rule	02/15/11	76 FR 8659
Public Notice	03/02/11	76 R 11462
R&O	05/02/11	76 FR 24393
FNPRM	05/02/11	76 FR 24437

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

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Email: eliot.greenwald@fcc.gov.

RIN: 3060-AJ42

266. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12–129) [3060–AJ84]

Legal Authority: Pub. L. 112–96, sec. 6507

Abstract: The Middle Class Tax Relief and Job Creation Act of 2012 required the Commission to create a Do-Not-Call Registry for public safety answering point (PSAP) telephone numbers and to prohibit the use of automated dialing equipment to place calls to PSAP numbers on the Registry. In this docket, the Commission adopted rules and policies implementing these statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction	02/13/13	78 FR 10099
Amendments.		
Announcement of Effective Date.	03/26/13	78 FR 18246
FNPRM	11/01/21	86 FR 60189
FNPRM Comment Period End.	12/01/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email:* richard.smith@fcc.gov.

RIN: 3060–AJ84

267. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213) [3060–AK00]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617 to 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717), and accessibility of internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19738
Public Notice	05/19/22	87 FR 30442
Public Notice Comment Period End.	07/18/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Darryl Cooper, Attorney, Disability Rights Office, CGB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7131, *Email:* darryl.cooper@fcc.gov.
RIN: 3060–AK00

268. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24 [3060–AK01]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: The Federal Communications Commission (FCC) initiated this proceeding in its effort to ensure that internet-Protocol Captioned Telephone Service (IP CTS) is provided effectively and in the most efficient manner. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS, as well as compensation of TRS providers. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032

Action	Date	FR Cite
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petition for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM	07/18/18	83 FR 33899
Public Notice	08/23/18	83 FR 42630
Public Notice Opposition Period End.	09/17/18	
FNPRM Comment Period End.	11/15/18	
Announcement of Effective Date.	02/04/19	84 FR 1409
R&O	03/08/19	84 FR 8457
FNPRM	03/14/19	84 FR 9276
FNPRM Comment Period End.	04/29/19	
Petition for Recon Request for Comment.	06/18/19	84 FR 28264
Petition for Recon Comment Period End.	07/15/19	
R&O	01/06/20	85 FR 462
Announcement of Effective Date.	02/19/20	85 FR 9392
Final Rule; Removal of Compliance Notes.	05/06/20	85 FR 26857
Final Rule; correction.	08/26/20	85 FR 52489
R&O and Order on Recon.	10/14/20	85 FR 64971
FNPRM	02/01/21	86 FR 7681
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458
NPRM	03/19/21	86 FR 14859
Oppositions Due Date.	03/19/21	
FNPRM Comment Period End.	04/02/21	
NPRM Comment Period End.	05/03/21	
Public Notice	07/15/21	86 FR 37328
Public Notice Comment Period End.	08/09/21	
Report & Order ...	09/21/22	87 FR 57645
NPRM	12/08/22	87 FR 75199

Action	Date	FR Cite
NPRM Comment Period End.	02/06/23	
Public Notice	01/31/23	88 FR 6220
Public Notice Opposition Period End.	02/27/23	
NPRM	02/02/23	88 FR 7049
NPRM Comment Period End.	04/03/23	
Order on Reconsideration.	02/22/23	88 FR 10853
Final Rule; Announcement of Effective Date.	03/08/23	88 FR 14251
Next Action Undetermined.		

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2235, *Email:* eliot.greenwald@fcc.gov.

RIN: 3060-AK01

269. Advanced Methods To Target and Eliminate Unlawful Robocalls (CG Docket No. 17-59) [3060-AK62]

Legal Authority: 47 U.S.C. 201 and 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

Abstract: The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17-59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing, whether to allow carriers to block calls based on their own analyses of which calls are likely to be unlawful and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers, who did not consent to such calls.

Timetable:

Action	Date	FR Cite
NPRM/NOI	05/17/17	82 FR 22625
2nd NOI	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM	01/08/18	83 FR 770
R&O	01/12/18	83 FR 1566
2nd FNPRM	04/23/18	83 FR 17631
2nd FNPRM Comment Period End.	06/07/18	
2nd FNPRM Reply Comment Period End.	07/09/18	
2nd R&O	03/26/19	84 FR 11226
3rd FNPRM	06/24/19	84 FR 29478
Declaratory Ruling	06/24/19	84 FR 29387

Action	Date	FR Cite
Public Notice Seeking Input on Report.	12/30/19	
Public Notice Seeking Comment on Reassigned Numbers.	01/24/20	
Public Notice Seeking Comment on RND Cost/Fee Structure.	02/26/20	
Public Notice Establishing Guidelines for RND.	04/16/20	
Report	06/25/20	
3rd NPRM Comment Date.	06/26/20	
Announcement of Compliance Dates.	06/26/20	85 FR 38334
3rd R&O, Order of Reconsideration, 4th FNPRM.	07/31/20	85 FR 46063
4th R&O (release date).	12/30/20	
Public Notice	02/08/21	86 FR 8558
Public Notice	04/13/21	
Public Notice	06/15/21	
Public Notice	10/01/21	86 FR 61077
5th FNPRM	10/26/21	86 FR 59084
Public Notice	12/29/21	
Order on Reconsideration, 6th FNPRM, Waiver Order.	12/30/21	86 FR 74399
Public Notice	02/08/22	87 FR 7044
Seventh Further Notice of Proposed Rulemaking.	05/19/22	87 FR 42670
Sixth Report and Order.	05/19/22	87 FR 42916
Public Notice	08/24/22	87 FR 51920
Public Notice	11/18/22	87 FR 69206
Next Action Undetermined.		

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Karen Schroeder, Associate Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0654, *Email:* karen.schroeder@fcc.gov.

Jerusha Burnett, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0526, *Email:* jerusha.burnett@fcc.gov.
RIN: 3060-AK62

270. Empowering Broadband Consumers Through Transparency (CG Docket No. 02-278) [3060-AL33]

Legal Authority: Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429, 60504(a) (2021)

Abstract: In this docket, the Commission adopted rules requiring broadband internet access service providers (ISPs) display, at the point of sale, labels to disclose to consumers certain information about prices, introductory rates or promotions, data allowances, broadband speeds, and management practices, among other things.

Timetable:

Action	Date	FR Cite
NPRM	02/07/22	87 FR 6827
NPRM Comment Period End.	03/09/22	
Reply NPRM Comment Period End.	03/24/22	
Report & Order and FNPRM.	12/16/22	87 FR 77048
Order Comment Period Extended.	01/04/23	
FNPRM Comment Period End.	03/16/23	
Petition for Reconsideration.	01/31/23	88 FR 6219
Next Action Undetermined.		

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Erica McMahon, Attorney Advisor, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-0346, *Email:* erica.mcmahon@fcc.gov.
RIN: 3060-AL33

271. Targeting and Eliminating Unlawful Text Messages, CG Docket 21-403, Notice of Proposed Rulemaking [3060-AL49]

Legal Authority: 47 U.S.C. 154(i), 227(e), 251(e), 303

Abstract: In this docket, the Commission considers rules and policies concerning the ability for mobile wireless service providers to block illegal text messages.

Timetable:

Action	Date	FR Cite
NPRM	09/27/22	87 FR 61271
Report & Order and FNPRM.	03/17/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis
Required: Yes.

Agency Contact: Mika Savir, Attorney, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0384, *Email:* mika.savir@fcc.gov.
RIN: 3060-AL49

272. • Misuse of Internet Protocol (IP) Relay Service; CG Docket No. 12–38 [3060–AL58]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152 and 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: Title IV of the Americans with Disabilities Act requires the Federal Communications Commission to ensure the availability of telecommunications relay services. IP Relay is a form of TRS that permits an individual with a hearing or a speech disability to communicate in text using an internet Protocol-enabled device via the internet. In CG Docket No. 12–38, the Commission considers rules and policy for the provision of IP Relay, including the process for registering users for IP CTS and the methodology for determining TRS Fund support. The Commission takes these steps to ensure the provision of IP Relay in a functionally equivalent manner to persons who are deaf, hard of hearing, deaf blind or have speech disabilities. In doing so, the Commission balances several different factors including regulating the recovery of costs caused by the service, encouraging the use of existing technology and not discouraging or impairing the development of improved technology, and ensuring IP Relay is available, to the extent possible and in the most efficient manner.

Timetable:

Action	Date	FR Cite
Public Notice	02/08/12	77 FR 11997
Public Notice Comment Period End.	03/20/12	
Final Rule	07/25/12	77 FR 43538
Final Rule Effective.	07/25/12	
NPRM	03/19/21	86 FR 14859
NPRM Comment Period End.	05/03/21	
Final Rule	11/25/22	87 FR 72409
Final Rule Effective.	12/27/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Scott, Attorney Advisor, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1264, *Email:* michael.scott@fcc.gov.

RIN: 3060–AL58

273. • Compensation for Internet Protocol Captioned Telephone Service [3060–AL59]

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 225

Abstract: Title IV of the Americans with Disabilities Act requires the Federal Communications Commission to ensure the availability of telecommunications relay. Internet Protocol Captioned Telephone Services (IP CTS) is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. In CG Docket No. 22–408, the Commission considers rules and policy for the adoption of a compensation methodology and compensation levels for Telecommunications Relay Services (TRS) Fund support of providers of IP CTS. The Commission takes these steps to ensure the provision of IP CTS in a functionally equivalent manner to persons who are deaf, hard of hearing, deafblind or have speech disabilities. In doing so, the Commission balances several different factors including regulating the recovery of costs caused by the service, encouraging the use of existing technology and not discouraging or impairing the development of improved technology, and ensuring IP CTS is available, to the extent possible and in the most efficient manner.

Timetable:

Action	Date	FR Cite
NPRM	02/02/23	88 FR 7049
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Scott, Attorney Advisor, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1264, *Email:* michael.scott@fcc.gov.

RIN: 3060–AL59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Economics

Long-Term Actions

274. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans [3060–AJ15]

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The 09/09/2022 Order ended the collection of broadband deployment data through Form 477. Broadband and voice subscribership data will continue to be submitted through Form 477. Beginning with data as of December 31, 2022 and beyond, Form 477 subscribership data is submitted in the Broadband Data Collection (BDC) filing system. The Form 477 filing system remains open for filers to submit and make corrections to filings through June 30, 2022.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
NPRM	08/24/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
NPRM Reply Comment Period End.	10/10/17	
R&O and FNPRM Order	08/22/19	84 FR 43764
Next Action Undetermined.	12/16/22	87 FR 76949

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Suzanne Mendez, Supervisor Program Manager, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–0941, *Email:* suzanne.mendez@fcc.gov.

RIN: 3060–AJ15

275. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268) [3060–AJ82]

Legal Authority: 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

Abstract: In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112–96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive

auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the BIA consist of a reverse auction “to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights” and a forward auction of licenses in the reallocated spectrum for flexible-use services, including mobile broadband. Broadcast television licensees who elected to voluntarily participate in the auction had three bidding options: go off-the-air, share spectrum with another broadcast television licensee, or move channels to the upper or lower VHS band in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers. The Spectrum Act also authorized the Commission to reorganize the 600 MHz band following the BIA including, as necessary, reassigning full power and Class A television stations to new channels in order to clear the spectrum sold in the BIA. That post-auction reorganization (known as the repack) is currently underway and all of the stations who were assigned new channels are scheduled to have vacated their pre-auction channels by July 3, 2020, pursuant to a 10-phase transition schedule adopted by the Commission.

In May 2014, the Commission adopted a Report and Order that laid out the general framework for the BIA. The auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees. The BIA ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which 987 of the full power and Class A television stations remaining on-the-air will transition their stations to their post-auction channel assignments in the reorganized television band. Pursuant to

the Spectrum Act, the Commission will reimburse 957 of those full power and Class A stations for the reasonable costs associated with relocating to their post-auction channel assignments and will reimburse multichannel video programming distributors for their costs associated with continuing to carry the signals of those stations.

In March 2018, the Consolidated Appropriations Act (Pub. L. 115–141, at Div. E, Title V, 511, 132 Stat. 348 (2018), codified at 47 U.S.C. 1452(j)–(n)) (the Reimbursement Expansion Act or REA), extended the deadline for reimbursement of eligible entities from April 2020 to no later than July 3, 2023, and also expanded the universe of entities eligible for reimbursement to include low-power television stations and TV translator stations displaced by the BIA for their reasonably incurred costs to relocate to a new channel, and FM broadcast stations for their reasonably incurred costs for facilities necessary to reasonably minimize disruption of service as a result of the post-auction reorganization of the television band. On March 15, 2019, the Commission adopted a Report and Order setting rules for the reimbursement of eligible costs to those newly eligible entities.

Timetable:

Action	Date	FR Cite
NPRM	11/21/12	77 FR 69933
R&O	08/15/14	79 FR 48441
Final Rule	10/11/17	82 FR 47155
NPRM	08/27/18	83 FR 43613
R&O	03/26/19	84 FR 11233
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jean L. Kiddoo, Chair, Incentive Auction Task Force, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7757, *Email:* jean.kiddoo@fcc.gov, *RIN:* 3060–AJ82

276. Broadband Data Collection [3060–AL42]

Legal Authority: 47 U.S.C. 151–154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641–646

Abstract: The Commission has long recognized that precise, granular data on the availability of fixed and mobile broadband are vital to bringing digital opportunity to all Americans, no matter where they live, work, or travel.

On March 23, 2020, the Broadband Deployment Accuracy and

Technological Availability Act (Broadband DATA Act) was signed into law requiring the Commission to create a new set of broadband availability maps. Among other things, the Broadband DATA Act requires the Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Broadband Serviceable Location Fabric or Fabric), and to create publicly available coverage maps. The Act further requires the Commission to establish processes for members of the public and other entities to (1) provide verified data for use in the coverage maps; (2) challenge the coverage maps, the broadband availability data submitted by broadband internet access service providers (providers), and the Fabric; and (3) submit specific crowdsourced information about the development and availability of broadband service.

In July 2020, implementing the Broadband DATA Act and building off of an August 2019 Report and Order and Notice of Proposed Rulemaking, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that adopted rules for the collection and verification of improved, more precise data on both fixed and mobile broadband availability. In January 2021, the Commission released a Third Report and Order that established new requirements for the BDC and took additional steps to implement the Broadband DATA Act. The Commission adopted rules to specify which fixed and mobile providers are required to report broadband availability data and expanded the reporting and certification requirements for filing data in the BDC. It also adopted standards for collecting verified broadband data from State, local, and Tribal entities and certain third parties, and for identifying locations that would be included in the Fabric. Importantly, in the Third Report and Order, the Commission also established processes for verifying the accuracy of provider-submitted data and the Fabric, including a third party challenge process.

Implementing the Broadband DATA Act and these new rules, the Commission created a complex data platform and system to collect and map availability data collected from over 2500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and

established a dedicated help center to provide technical assistance to providers, consumers and other stakeholders.

In July 2021, the Wireless Telecommunications Bureau (WTB), Office of Economics and Analytics (OEA), and Office of Engineering and Technology (OET) released a Public Notice seeking comment on the technical requirements for the mobile challenge, verification, and crowdsourcing processes required under the Broadband DATA Act for the new Broadband Data Collection (BDC). In March 2022, the Broadband Data Task Force (Task Force), WTB, OEA, and OET released a detailed order, technical appendix, rules, and technical data specifications setting forth technical requirements and specifications for the mobile challenge, verification, and crowdsource processes required by the Act.

To help facilitate the mobile challenge process, in April 2022, the Task Force and OET issued a Public Notice announcing the technical requirements and procedures for approving third-party mobile speed test procedures for use in collecting and submitting mobile network performance data as part of the BDC. To assist entities that choose to file mobile challenges in bulk, in September 2022 the Task Force and WTB established a process for entities to use their own software and hardware to collect on-the-ground mobile speed test data for use in the BDC mobile challenge process.

Also in April 2022, the Task Force, WCB, WTB, OEA, and OET released a Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system.

Seeking to clarify the Commission's rules for filing data in the BDC, in July 2022 WCB, WTB, OEA, and the Task Force issued a Declaratory Ruling on certain aspects of a rule regarding the engineering certification in BDC filings and issued a limited waiver of the requirement that providers have an engineer certification their biannual BDC filings for the first three filing cycles of the BDC.

On June 15, 2022, the FCC Enforcement Bureau issued an Enforcement Advisory reminding all facilities-based providers of their duty to timely file complete and accurate data in the BDC by September 1, 2022.

In February 2022, the Commission announced the opening of the initial filing window of the BDC would open on June 30, 2022, and was due no later than September 1, 2022. In December

2022, the Commission announced that the second filing window of the BDC would open on January 3, 2023, and required all fixed and mobile providers to submit broadband availability data as of December 31, 2022, and was due no later than March 1, 2023.

In November 2022, the Commission released a pre-production draft of its new National Broadband Map based on version 1 of the Fabric and the availability data submitted by providers as of June 30, 2022. The new map is the most comprehensive, granular, and standardized data the Commission has ever published on broadband availability.

The Commission adopted an Order in December 2022, to sunset the Form 477 broadband deployment data collection and eliminate a largely duplicative requirement on providers. As a result, providers will no longer be required to submit Form 477 broadband deployment data, but must still submit broadband and voice subscription data using the FCC Form 477; those filers will submit their data through the BDC system.

Timetable:

Action	Date	FR Cite
NPRM	08/03/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
Report & Order ...	08/01/19	84 FR 43705
Second Further Notice of Proposed Rule-making.	08/01/19	84 FR 43764
Second Further NPRM Comment Period End.	10/07/19	
2nd R&O	07/16/20	85 FR 50886
3rd FNPRM	07/16/20	85 FR 50911
3rd R&O	01/13/21	86 FR 18124
Public Notice	07/16/21	86 FR 40398
Public Notice Comment Period End.	09/27/21	
Order	03/09/22	87 FR 21476
Order	12/16/22	87 FR 76949
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AL42

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Economics

Completed Actions

277. Universal Service Reform Mobility Fund (WT Docket No. 10-208) [3060-AJ58]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund, which the Commission is implementing in two phases. Mobility Fund Phase I consisted of two reverse auctions that provided initial infusions of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable. The Mobility Fund Phase II (MF-II) reverse auction aims to provide support funds over a 10-year term to support build-out of current and next-generation wireless infrastructure in areas where unsubsidized services are unavailable. MF-II began with a one-time collection of existing wireless broadband coverage data from current providers to determine the areas in which qualified service has been deployed, which data was used to create a map of areas presumptively eligible for MF-II support. Entities could challenge asserted unsubsidized 4G LTE coverage through the Mobility Fund Phase II challenge process, and providers may file response data countering challenges. The results of the challenge process will determine the final list of areas eligible for funding for MF-II auction funding. With the advent of 5G technology, the Commission retargeted universal service funding for mobile broadband and voice in the high-cost program to support the deployment of 5G services by establishing the 5G Fund for Rural America, and it therefore closed the Mobility Fund docket.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
FNPRM	07/09/14	79 FR 39196

Action	Date	FR Cite
R&O, Declaratory Ruling, Order, MO&O, and 7th Order on Recon.	07/09/14	79 FR 39163
FNPRM Comment Period End.	09/08/14	
R&O	10/07/16	81 FR 69696
FNPRM	10/07/16	81 FR 69772
FNPRM	03/13/17	82 FR 13413
R&O	03/28/17	82 FR 15422
R&O Correction ...	04/04/17	82 FR 16297
Order on Recon and 2nd R&O.	09/08/17	82 FR 42473
2nd Order on Recon.	04/25/18	83 FR 17934
Order and MO&O	08/30/18	83 FR 44241
NPRM	08/30/18	83 FR 44254
3rd R&O	03/06/19	84 FR 8003
NPRM and Order	06/05/20	85 DR 34525
Final Rule	06/05/20	85 FR 34525
Final Rule Effective.	06/05/20	

Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060–A158

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

278. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186) [3060–A152]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services. (This unused TV spectrum is often termed “white spaces.”) This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid and, if necessary, correct any

interference that may occur. The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of “opportunistic use” of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission’s actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well. This Order addressed five petitions for reconsideration of the Commission’s decisions in the Second Memorandum Opinion and Order (“Second MO&O”) in this proceeding and modified rules in certain respects. In particular, the Commission: (1) increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission’s earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Reconsideration.	02/09/11	76 FR 7208
2 Order on Reconsideration, FNPRM, and Order.	05/17/12	77 FR 29236
FNPRM—Proposed Rule.	06/01/22	87 FR 33109

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email:* hugh.vantuyl@fcc.gov.

RIN: 3060–A152

279. Use of the 5.850–5.925 GHz Band; (ET Docket No. 19–138), FCC 19–129 [3060–AK96]

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 316; 47 U.S.C. 332; 47 CFR 1.411

Abstract: In this proceeding, we repurpose 45 megahertz of the 5.850–5.925 GHz band (the 5.9 GHz band) to allow for the expansion of unlicensed mid-band spectrum operations, while continuing to dedicate 30 megahertz of spectrum for vital intelligent transportation system (ITS) operations. In addition, to promote the most efficient and effective use of this ITS spectrum, we are requiring the ITS service to use cellular vehicle-to-everything (C–V2X) based technology at the end of a transition period. By splitting the 5.9 GHz band between unlicensed and ITS uses, today’s decision puts the 5.9 GHz band in the best position to serve the needs of the American public.

In the Further Notice, the Commission addresses issues remaining to finalize the restructuring of the 5.9 GHz band. Specifically, the Commission addresses: The transition of ITS operations in the 5.895–5.925 GHz band from Dedicated Short Range Communications (DSRC) based technology to Cellular Vehicle-to-Everything (C–V2X) based technology; the codification of C–V2X technical parameters in the Commission’s rules; other transition considerations; and the transmitter power and emissions limits, and other issues, related to full-power outdoor unlicensed operations across the entire 5.850–5.895 GHz portion of the 5.9 GHz band. The Commission modified the Further Notice released on November 20, 2020, with an Erratum released on December 11, 2020. The Commission released a Second Erratum on February 9, 2021. The corrections from these errata are included in this document.

Timetable:

Action	Date	FR Cite
NPRM	02/06/20	85 FR 6841
NPRM Comment Period End.	03/09/20	
FNPRM	05/03/21	86 FR 23323
R&O & Order of Proposed Modification.	05/03/21	86 FR 23281
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0657, *Fax:* 202 418-2824, *Email:* howard.griboff@fcc.gov. *RIN:* 3060-AK96

280. Unlicensed White Space Device Operations in the Television Bands (ET Docket No. 20-36) [3060-AL22]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 302a; 47 U.S.C. 303; 47 U.S.C. 1.407 and 1.411

Abstract: In this proceeding, the Commission revises its rules to provide additional opportunities for unlicensed white space devices operating in the broadcast television bands (TV bands) to deliver wireless broadband services in rural areas and applications associated with the Internet of Things (IoT). This region of the spectrum has excellent propagation characteristics that make it particularly attractive for delivering communications services over long distances, coping with variations in terrain, as well as providing coverage into and within buildings. We offer several proposals to spur continued growth of the white space device ecosystem, especially for providing affordable broadband service to rural and underserved communities that can help close the digital divide.

Timetable:

Action	Date	FR Cite
NPRM	04/03/20	85 FR 18901
NPRM Comment Period End.	04/03/20	
Report & Order ...	01/12/21	86 FR 2278
R&O—Final Rule	01/12/21	86 FR 2278
FNPRM—Proposed Rule.	02/25/21	86 FR 11490
2nd Order on Recon, FNPRM, and Order.	06/01/22	87 FR 33109
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal

Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7506, *Fax:* 202 418-1944, *Email:* hugh.vantuyl@fcc.gov. *RIN:* 3060-AL22

281. Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21-232, EA Docket No. 21-233 [3060-AL23]

Legal Authority: Secs. 4(i), 301, 302, 303, 309(j), 312, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. secs. 154(i), 301, 302a, 303, 309(j), 312, 316, and sec. 1.411

Abstract: In this proceeding, the Commission proposes prohibiting the authorization of any communications equipment on the list of equipment and services (Covered List) that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019. Such equipment has been found to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. We also seek comment on whether and under what circumstances we should revoke any existing authorizations of such covered communications equipment. We invite comment on whether we should require additional certifications relating to national security from applicants who wish to participate in Commission auctions. In the Notice of Inquiry, we seek comment on other actions the Commission should consider taking to create incentives in its equipment authorization processes for improved trust through the adoption of cybersecurity best practices in consumer devices.

Timetable:

Action	Date	FR Cite
NPRM and NOI ...	08/19/21	86 FR 46644
NPRM Comment Period End.	09/20/21	
Report & Order and FNPRM.	11/25/22	
FNPRM—Proposed Rule.	03/08/23	88 FR 14312
Report & Order—Final Rule.	02/06/23	88 FR 7592
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jamie Coleman, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554,

Phone: 202 418-2705, *Email:* jaime.coleman@fcc.gov. *RIN:* 3060-AL23

282. Wireless Microphones in the TV Bands (ET Docket No. 21-115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5-944 MHz, 944-952 MHz, 952.850-956.250 MHz, 956.45-959.85 MHz, 1435-1525 MHz [3060-AL27]

Legal Authority: 47 U.S.C. secs. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

Abstract: In this proceeding, the Commission seeks to enhance the spectral efficiency of wireless microphones by permitting a recently developed type of wireless microphone system, termed herein as a Wireless Multi-Channel Audio System (WMAS), to operate in certain frequency bands. This emerging technology would enable more wireless microphones to operate in the spectrum available for wireless microphone operations, and thus advances an important Commission goal of promoting efficient spectrum use. The Commission proposes to revise the applicable technical rules for operation of low-power auxiliary station (LPAS) devices to permit WMAS to operate in the broadcast television (TV) bands and other LPAS frequency bands on a licensed basis. The Commission also proposes to update the existing LPAS and wireless microphone rules to reflect the end of the post-Incentive auction transition period and update references to international wireless microphone standards.

Timetable:

Action	Date	FR Cite
NPRM	07/01/21	86 FR 35046
NPRM Comment Period End.	08/02/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7506, *Fax:* 202 418-1944, *Email:* hugh.vantuyl@fcc.gov. *RIN:* 3060-AL27

283. FCC Seeks To Enable State-of-the-Art Radar Sensors in 60 GHz Band (ET Docket No. 21-264) [3060-AL36]

Legal Authority: 47 U.S.C. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

Abstract: In this proceeding, the Commission proposes to revise the Commission's rules to provide expanded operational flexibility to

unlicensed field disturbance sensor (FDS) devices (e.g., radars) that operate in the 57–64 GHz band (60 GHz band). The Commission's proposal recognizes the increasing practicality of using mobile radar devices in the 60 GHz band to perform innovative and life-saving functions, including gesture control, detection of unattended children in vehicles, and monitoring of vulnerable medical patients, and it is designed to stimulate the development of new products and services in a wide variety of areas to include, for example, personal safety, autonomous vehicles, home automation, environmental control, and healthcare monitoring, while also ensuring coexistence among unlicensed FDS devices and current and future unlicensed communications devices in the 60 GHz band.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End. Next Action Under- terminated.	08/19/21 10/18/21	86 FR 46661

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anh Wride, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, Phone: 202 418–0577, Fax: 202 418–1944, Email: anh.wride@fcc.gov.

Thomas Struble, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2470, Email: thomas.struble@fcc.gov.

RIN: 3060–AL36

284. FCC Proposes To Update Equipment Authorization Rules To Incorporate New and Revised Industry Standards, (ET Docket No. 21–363) [3060–AL39]

Legal Authority: 47 U.S.C. 154(i), 301, 302a, 303, and secs. 1.407 and 1.411

Abstract: We propose targeted updates to our rules to incorporate four new and updated standards that are integral to the testing of equipment and accreditation of laboratories that test RF devices.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End. Next Action Under- terminated.	03/17/22 04/16/22	87 FR 15180

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Butler, Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2702, Email: brian.butler@fcc.gov.

RIN: 3060–AL39

285. Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13–115) [3060–AL44]

Legal Authority: 47 U.S.C. 151, 152, 154(i), 155(c), 301, 303(c), 303(f), and 303(r)

Abstract: In this proceeding, the Federal Communications Commission (Commission) takes steps towards establishing a spectrum allocation and licensing framework that will provide regulatory certainty and improved efficiency and that will promote innovation and investment in the United States commercial space launch industry. In the Further Notice of Proposed Rulemaking, the Commission seeks comment on the definition of space launch operations, the potential allocation of spectrum for the commercial space launch industry, including the 420–430 MHz, 2025–2110 MHz, and 5650–5925 MHz bands. In addition, the Commission seeks comment on establishing service rules, including licensing and technical rules and coordination procedures, for the use of spectrum for commercial space launch operations. Finally, the Commission seeks to refresh the record on potential ways to facilitate Federal use of commercial satellite services in what are currently non-Federal satellite bands and enable more robust federal use of the 399.9–400.05 MHz band.

Timetable:

Action	Date	FR Cite
NPRM and NOI ... FNPRM—Pro- posed Rule. Report & Order— Final Rule. Next Action Under- terminated.	07/01/13 06/10/21 06/28/21	78 FR 39200 86 FR 30860 86 FR 33902

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Supervisory Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–0636, Email: nicholas.oros@fcc.gov.

RIN: 3060–AL44

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

286. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. 16–408 [3060–AK59]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

Abstract: On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The Commission proposed among other things, to provide for more flexible use of the 17.8–20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems and later adopted a Second Report and Order removing this requirement.

Timetable:

Action	Date	FR Cite
NPRM NPRM Comment Period End. FNPRM R&O FNPRM Comment Period End. 2nd R&O Next Action Under- terminated.	01/11/17 04/10/17 11/15/17 12/18/17 01/02/18 02/21/21	82 FR 3258 82 FR 52869 82 FR 59972 86 FR 11642

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, Phone: 202 418–0803, Email: clay.decell@fcc.gov.

RIN: 3060–AK59

287. Amendment of Parts 2 and 25 of the FCC Rules To Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17–95 [3060–AK84]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

Abstract: In June 2017, the Commission began a rulemaking to streamline, consolidate, and harmonize rules governing earth stations in motion (ESIMs) used to provide satellite-based services on ships, airplanes and vehicles communicating with geostationary-satellite orbit (GSO), fixed-satellite service (FSS) satellite systems. In September 2018, the Commission adopted rules governing communications of ESIMs with GSO satellites. These rules addressed communications in the conventional C-, Ku-, and Ka-bands, as well as portions of the extended Ku-band. At the same time, the Commission also released a Further Notice of Proposed Rulemaking that sought comment on allowing ESIMs to operate in all of the frequency bands in which earth stations at fixed locations operating in GSO FSS satellite networks can be blanket-licensed. Specifically, comment was sought on expanding the frequencies available for communications of ESIMs with GSO FSS satellites to include the following frequency bands: 10.7–10.95 GHz, 11.2–11.45 GHz, 17.8–18.3 GHz, 18.8–19.3 GHz, 19.3–19.4 GHz, 19.6–19.7 GHz (space-to-Earth); and 28.6–29.1 GHz (Earth-to-space).

Timetable:

Action	Date	FR Cite
NPRM	06/16/17	82 FR 27652
NPRM Comment Period End.	08/30/17	
OMB-approval for Information Collection of R&O Comment Period End.	08/28/18	
FNPRM	07/24/20	85 FR 44818
R&O	07/24/20	85 FR 44772
FNPRM Comment Period End.	09/22/20	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1593, *Email:* cindy.spiers@fcc.gov.

RIN: 3060–AK84

288. Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18–315 [3060–AK89]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

Abstract: In November 2018, the Commission adopted a notice of proposed rulemaking that proposed to expand the scope of the Commission's rules governing ESIMs operations to cover communications with NGSO FSS satellites. Comment was sought on establishing a regulatory framework for communications of ESIMs with NGSO FSS satellites that would be analogous to that which exists for ESIMs communicating with GSO FSS satellites. In this context, comment was sought on: (1) allowing ESIMs to communicate in many of the same conventional Ku-band, extended Ku-band, and Ka-band frequencies that were allowed for communications of ESIMs with GSO FSS satellites (with the exception of the 18.6–18.8 GHz and 29.25–29.5 GHz frequency bands); (2) extending blanket licensing to ESIMs communicating with NGSO satellites; and (3) revisions to specific provisions in the Commission's rules to implement these changes. The specific frequency bands for communications of ESIMs with NGOS FSS satellites on which comment was sought are as follows: 10.7–11.7 GHz; 11.7–12.2 GHz; 14.0–14.5 GHz; 17.8–18.3 GHz; 18.3–18.6 GHz; 18.8–19.3 GHz; 19.3–19.4 GHz; 19.6–19.7 GHz; 19.7–20.2 GHz; 28.35–28.6 GHz; 28.6–29.1 GHz; and 29.5–30.0 GHz.

Timetable:

Action	Date	FR Cite
NPRM	12/28/18	83 FR 67180
NPRM Comment Period End.	03/13/19	
R&O	07/24/20	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1593, *Email:* cindy.spiers@fcc.gov.

RIN: 3060–AK89

289. Space Innovation; Mitigation of Orbital Debris in the New Space Age: IB Docket Nos. 18–313, 22–271 [3060–AK90]

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C.

308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 605; 47 U.S.C. 721

Abstract: The Commission's current orbital debris rules were first adopted in 2004. Since then, significant changes have occurred in satellite technologies and market conditions, particularly in Low Earth Orbit, *i.e.*, below 2000 kilometers altitude. These changes include the increasing use of lower cost small satellites and proposals to deploy large constellations of non-geostationary satellite orbit (NGSO) systems, some involving thousands of satellites.

The NPRM proposes changes to improve disclosure of debris mitigation plans. The NPRM also makes proposals and seeks comment related to satellite disposal reliability and methodology, appropriate deployment altitudes in low-Earth-orbit, and on-orbit lifetime, with a particular focus on large NGSO satellite constellations. Other aspects of the NPRM include new rule proposals for geostationary orbit satellite (GSO) license term extension requests, and consideration of disclosure requirements related to several emerging technologies and new types of commercial operations, including rendezvous and proximity operations.

The Report and Order in this proceeding adopted a number of these proposals. In addition a Further Notice of Proposed Rulemaking sought comment on topics such as collision risk and casualty risk for multi-satellite systems, de-orbit timelines, maneuverability requirements, and indemnification and post mission disposal bond issues. The Commission issued a Second Report and Order adopting a 5-year de-orbit timeframe for satellites ending their missions in or passing through the low-Earth Orbit region.

Timetable:

Action	Date	FR Cite
NPRM	02/19/19	84 FR 4742
NPRM Comment Period End.	05/06/19	
R&O	08/25/20	85 FR 52422
FNPRM	08/25/20	85 FR 52455
FNPRM Comment Period End.	10/09/20	
Second R&O	09/29/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Alexandra Horn, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1376, *Email:* alexandra.horn@fcc.gov.

RIN: 3060-AK90

290. Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership (IB Docket No. 16-155) [3060-AL12]

Legal Authority: 47 U.S.C. 154(l); 47 U.S.C. 154(j); 47 U.S.C. 214; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 413; 47 U.S.C. 34-39; E.O. 10530; 3 U.S.C. 301

Abstract: In this proceeding, the Commission considers rules and procedures that streamline and improve the timeliness and transparency of the process by which the Commission refers certain applications and petitions for declaratory ruling to the Executive Branch agencies for assessment of any national security, law enforcement, foreign policy or trade policy issues related to foreign investment in the applicants and petitioners. The Commission, in this proceeding, also adopted Standard Questions that certain applicants with reportable foreign ownership will be required to answer as part of the Executive Branch review process of their applications.

Timetable:

Action	Date	FR Cite
NPRM	06/24/16	81 FR 46870
NPRM Comment Period End.	09/02/16	
Public Notice	04/27/20	85 FR 29914
Public Notice Comment Period End.	09/02/20	
Report & Order ...	10/01/20	85 FR 76360
Public Notice	12/30/20	85 FR 12312
Public Notice Comment Period End.	04/19/21	
Second Report and Order Adopted.	09/30/21	86 FR 68428
Second R&O Released.	10/01/21	86 FR 68428
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arthur T. Lechtman, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1465, *Fax:* 202 418-0175, *Email:* arthur.lechtman@fcc.gov.

RIN: 3060-AL12

291. Parts 2 and 25 To Enable GSO FSS in the 17.3-17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS (IB Doc. No. 20-330) [3060-AL28]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j)

Abstract: This item addresses the addition of an allocation in the 17.3-17.7 GHz and 17.7-17.8 GHz bands to the fixed-satellite service in the space-to-Earth direction. The Notice of Proposed Rulemaking proposes to add these allocations to the U.S. Table of Frequency Allocations (non-Federal), and proposes modification of existing technical rules to prevent harmful interference between services in these bands.

Timetable:

Action	Date	FR Cite
NPRM	02/01/21	86 FR 7660
NPRM Comment Period End.	03/03/21	
NPRM Reply Comment Period End.	03/18/21	
R&O	09/03/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephanie Neville, Attorney Advisor, International Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1672, *Email:* stephanie.neville@fcc.gov.

Sean O'More, Attorney Advisor, International Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 245 418-2453, *Email:* sean.omore@fcc.gov.

RIN: 3060-AL28

292. Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21-456 [3060-AL41]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

Abstract: This Notice of Proposed Rulemaking (NPRM) seeks comment on revisions to the spectrum sharing requirements among non-geostationary satellite orbit (NGSO), fixed-satellite service (FSS) systems. The NPRM proposes that the Commission's existing spectrum sharing mechanism for NGSO FSS systems will be limited to those systems approved in the same processing round. The NPRM also proposes to adopt a rule providing that later-round NGSO FSS systems will

have to protect earlier-round systems, and invites comment on how to define such protection. In addition, the NPRM seeks comment on whether to sunset, after a period of time, the interference protection afforded to an NGSO FSS system because of its processing round status.

Timetable:

Action	Date	FR Cite
NPRM	01/24/22	87 FR 3481
NPRM Comment Period End.	03/25/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0803, *Email:* clay.decell@fcc.gov.

RIN: 3060-AL41

293. • Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation (IB Docket Nos. 22-411 AND 22-271) [3060-AL51]

Legal Authority: 47 U.S.C. 154(i) and 157(a); 47 U.S.C. 303 and 308(b)

Abstract: In December 2022, the Commission adopted a Notice of Proposed Rulemaking to seek comment on changes to its rules, policies, or practices to facilitate the acceptance for filing of satellite and earth station applications under 47 CFR part 25. The Commission proposed to revise a procedural rule to formally allow consideration of satellite for applications and petitions that request waiver of the Table of Frequency Allocations to operate in a frequency band without an international allocation. The Commission also sought comment on typical processing timeframes for satellite applications.

Timetable:

Action	Date	FR Cite
NPRM	01/17/23	88 FR 2590
NPRM Comment Period End.	04/03/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0803, *Email:* clay.decell@fcc.gov.

RIN: 3060-AL51

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

294. Revision of EEO Rules and Policies (MM Docket No. 98-204) [3060-AH95]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 257; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 334; 47 U.S.C. 403; 47 U.S.C. 554

Abstract: FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors (MVPDs) in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. The Third Notice of Proposed Rulemaking (NPRM) requested comment as to the applicability of the EEO rules to part-time employees. The Third Report and Order adopted revised forms for broadcast station and MVPD Annual Employment Reports. The 2021 NPRM sought to update the existing record.

Timetable:

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1704
Second R&O and Third NPRM.	01/07/03	68 FR 670
Correction	01/13/03	68 FR 1657
Fourth NPRM	06/23/04	69 FR 34986
Third R&O	06/23/04	69 FR 34950
FNPRM	08/31/21	86 FR 48610
FNPRM Comment Period End.	09/30/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Radhika Karmarkar, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.

Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554,

Phone: 202 418-2757, *Email:* brendan.holland@fcc.gov.
RIN: 3060-AH95

295. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03-185) [3060-AI38]

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiated the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
3rd NPRM	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
3rd R&O	02/01/16	81 FR 5041
4th NPRM	02/01/16	81 FR 5086
Comment Period End.	02/22/16	
NPRM	12/23/19	84 FR 70489
5th NPRM	06/17/22	87 FR 36440
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2324, *Fax:* 202 418-2827, *Email:* shaun.maher@fcc.gov.

RIN: 3060-AI38**296. Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16-142) [3060-AK56]**

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

Abstract: In this proceeding, the Commission seeks to authorize television broadcasters to use the "Next Generation" ATSC 3.0 broadcast

television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

In the 2nd R&O, the Commission provided additional guidance to broadcasters deploying Next Gen TV.

In 2021, the Commission made a technical modification to the rules governing the use of a distribution transmission system by a television station to account for deployment of ATSC 3.0. Further, the Commission released an FNPRM that sought comment on rule changes designed to preserve over-the-air viewers access to the widest possible range of television programming. The 3rd FNPRM sought comment on the state of the Next Gen TV transition.

Timetable:

Action	Date	FR Cite
NPRM	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
FNPRM	12/20/17	82 FR 60350
R&O	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
NPRM	05/13/20	85 FR 28586
2nd R&O Order on Recon.	07/17/20	85 FR 43478
Report & Order ...	04/22/21	86 FR 21217
FNPRM	12/13/21	86 FR 70793
FNPRM Comment Period End.	02/11/22	
3rd FNPRM	07/07/22	87 FR 40464
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ty Bream, Attorney Advisor, Industry Analysis Div., Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0644, *Email:* ty.bream@fcc.gov.

RIN: 3060-AK56**297. 2018 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules (MB Docket 18-349) [3060-AK77]**

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 257; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 403; sec. 202(h) of the Telecommunications Act

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its broadcast ownership rules every 4 years and to determine whether any such rules are necessary in the public interest as the result of competition. The rules subject to review in the 2018 quadrennial review are the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule. The Commission also sought comment on potential pro-diversity proposals including extending cable procurement requirements to broadcasters, adopting formulas aimed at creating media ownership limits that promote diversity, and developing a model for market-based, tradeable diversity credits to serve as an alternative method for setting ownership limits.

Timetable:

Action	Date	FR Cite
NPRM	02/28/19	84 FR 6741
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Radhika Karmarkar, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.

Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2757, *Email:* brendan.holland@fcc.gov.

RIN: 3060-AK77

298. Equal Employment Opportunity Enforcement (MB Docket 19-177) [3060-AK86]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 334; 47 U.S.C. 554

Abstract: In this proceeding, the Commission seeks comment on ways in which it can make improvements to equal employment opportunity (EEO) compliance and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	07/22/19	84 FR 35063
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Radhika Karmarkar, Chief, IAD, Media Bureau, Federal

Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.
RIN: 3060-AK86

299. Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19-310) [3060-AL19]

Legal Authority: 47 U.S.C. 151 ; 47 U.S.C. 154(i) and 154(j) and 303(r); 47 U.S.C. 303(r)

Abstract: In this proceeding, the Commission eliminated the radio duplication rule. The rule bars same-service (AM or FM) commercial radio stations from duplicating more than 25% of their total hours of programming in an average broadcast week if the stations have 50% or more contour overlap and are commonly owned or subject to a time brokerage agreement. Petitions for reconsideration are pending.

Timetable:

Action	Date	FR Cite
NPRM	12/23/19	84 FR 70485
Report & Order ...	10/22/20	85 FR 67303
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AL19

300. Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20-299) [3060-AL20]

Legal Authority: 47 U.S.C. 151 and 154 ; 47 U.S.C. 155; 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 309 ; 47 U.S.C. 310; 47 U.S.C. 334; 47 U.S.C. 336 and 339

Abstract: In this proceeding, the Commission modifies its rules to require specific disclosure requirements for broadcast programming that is paid for, or provided by a foreign government or its representative.

Timetable:

Action	Date	FR Cite
NPRM	11/24/20	85 FR 74955

Action	Date	FR Cite
R&O	06/17/21	86 FR 32221
Second NPRM	11/17/22	87 FR 68960
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Radhika Karmarkar, Chief, IAD, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarkar@fcc.gov.
RIN: 3060-AL20

301. FM Broadcast Booster Stations (MB Docket 20-401) [3060-AL21]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154 and 157; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316 and 319; 47 U.S.C. 324

Abstract: In this proceeding, the Commission proposes to amend its rules to enable FM broadcasters to use FM booster stations to air geo-targeted content (e.g., news, weather, and advertisements) independent of the signals of its primary station within different portions of the primary station's protected service contour for a limited period of time during the broadcast hour.

Timetable:

Action	Date	FR Cite
NPRM	01/11/21	86 FR 1909
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Al Shuldiner, Chief, Audio Div., Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2700, *Email:* albert.shuldiner@fcc.gov.
RIN: 3060-AL21

302. • Amendment of Part 73 Rules To Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations (MB Docket No. 22-227) [3060-AL50]

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 301 and 303; 47 U.S.C. 307 to 308; 47 U.S.C. 309 to 310; 47 U.S.C. 316 and 319; 47 U.S.C. 336

Abstract: In this proceeding, the Commission proposes to adopt revisions to rules in part 0, part 27, subparts E, H, I, J, and L of part 73, and certain parts of parts 74 and 90 in light of the fact that all television services have ceased analog operations. The Commission proposes to eliminate entire rules and

portions of rules that provide for analog-to-analog and analog-to-digital interference protection requirements and other analog operating requirements. The Commission proposes to amend section headings and language in rules to remove references to DTV, digital, and analog television service, as these distinctions are no longer necessary. The Commission also propose to delete outdated rules that are no longer valid given changes in Commission-adopted policy. The Commission also proposes other non-substantive, technical revisions. The Commission also proposes to update rules to reference the current designation for form numbers (*e.g.*, FCC Form 2100) and by requiring electronic filing in the Commission's Licensing and Management System. The Commission also propose to make corrections or updates, *inter alia*, to section headings, spelling, contact information, and rule cross-references, or to language inadvertently omitted from a rule.

Timetable:

Action	Date	FR Cite
NPRM Next Action Under- terminated.	02/09/23	88 FR 8636

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Joyce Bernstein, Attorney Advisor, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1647, *Email:* joyce.bernstein@fcc.gov.
RIN: 3060-AL50

**FEDERAL COMMUNICATIONS
COMMISSION (FCC)**

Office of Managing Director

Long-Term Actions

**303. Assessment and Collection of
Regulatory Fees [3060-AK64]**

Legal Authority: 47 U.S.C. 159
Abstract: Section 9 of the Communications Act of 1934, as amended (47 U.S.C. 159), requires the Federal Communications Commission to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	06/06/17	82 FR 26019
R&O	09/22/17	82 FR 44322

Action	Date	FR Cite
NPRM	06/14/18	83 FR 27846
NPRM Comment Period End.	06/21/18	
R&O	09/18/18	83 FR 47079
NPRM	06/05/19	84 FR 26234
NPRM Comment Period End.	06/07/19	
R&O	09/26/19	84 FR 50890
NPRM	05/08/20	85 FR 32256
R&O	06/22/20	85 FR 37364
NPRM	05/13/21	86 FR 26262
R&O	05/17/21	86 FR 26677
NPRM	09/21/21	86 FR 52429
R&O	09/22/21	86 FR 52742
NPRM Comment Period End.	10/21/21	
NPRM	06/28/22	87 FR 38588
Report & Order ...	09/14/22	87 FR 56494
Next Action Under- terminated.		

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-0444, *Email:* roland.helvajian@fcc.gov.
RIN: 3060-AK64

**FEDERAL COMMUNICATIONS
COMMISSION (FCC)**

*Public Safety and Homeland Security
Bureau*

Long-Term Actions

**304. Wireless E911 Location Accuracy
Requirements: PS Docket No. 07-114
[3060-AJ52]**

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This rulemaking is related to the proceedings in which the FCC previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
FNPRM; NOI	11/02/10	75 FR 67321
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Pe- riod End.	11/02/11	

Action	Date	FR Cite
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM	03/28/14	79 FR 17820
Order Extending Comment Pe- riod.	06/10/14	79 FR 33163
3rd FNPRM Com- ment Period End.	07/14/14	
Public Notice (Re- lease Date).	11/20/14	
Public Notice Comment Pe- riod End.	12/17/14	
4th R&O	03/04/15	80 FR 11806
Final Rule	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
NPRM	09/26/18	83 FR 54180
4th NPRM	03/18/19	84 FR 13211
5th R&O	01/16/20	85 FR 2660
5th NPRM	01/16/20	85 FR 2683
5th NPRM Com- ment Period End.	03/16/20	
6th R&O and Order on Recon. Next Action Under- terminated.	08/28/20	85 FR 53234

*Regulatory Flexibility Analysis
Required: Yes.*

Agency Contact: Brenda Boykin, Deputy Chief, Policy & Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2062, *Email:* brenda.boykin@fcc.gov.
RIN: 3060-AJ52

**305. Improving Outage Reporting for
Submarine Cables and Enhancing
Submarine Cable Outage Data; GN
Docket No. 15-206 [3060-AK39]**

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

Abstract: This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation's communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission's intent is to enhance national security and emergency preparedness by these actions. In December 2019, the Commission adopted an Order on Reconsideration that modifies the requirement for submarine cable licensees to report outages to the Commission.

Timetable:

Action	Date	FR Cite
NPRM (Release Date).	09/18/15	
R&O	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/17/16	81 FR 75368
Order on Recon ..	12/20/19	84 FR 15733
PRA Approval for new collection.	03/25/21	
Public Notice re effective date.	04/28/21	
Compliance Date for New Rules.	10/28/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Cinnamon, Attorney-Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2319, *Email:* scott.cinnamon@fcc.gov.

RIN: 3060–AK39

306. Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications: (PS Docket No. 15–80, 18–336, 23–5) [3060–AK40]

Legal Authority: sec. 1, 4(i), 4(j), 4(o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j); 316, 332, 403, 615a–1, and 615c of Pub. L. 73–416, 4 Stat. 1064, as amended; and sec. 706 of Pub. L. 104–104, 110 Stat. 56; 47 U.S.C. 151, 154(i)–(j) & (o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307; 309(a), 309(j), 316, 332, 403, 615a–1, 615c, and 1302, unless otherwise noted

Abstract: The 2004 Report and Order (R&O) extended the Commission's communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04–35). In 2015, this proceeding, PS Docket 15–80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also Dockets 11–82 and 04–35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and

replies were received by the Commission in August and September 2016.

In March 2020, the Commission adopted a Second Further Notice of Proposed Rulemaking in PS Docket No. 15–80 that proposed a framework to provide state and federal agencies with access to outage information to improve their situational awareness while preserving the confidentiality of this data, including proposals to: provide direct, read-only access to NORS and DIRS filings to qualified agencies of the 50 states, the District of Columbia, Tribal nations, territories, and federal government; allow these agencies to share NORS and DIRS information with other public safety officials that reasonably require NORS and DIRS information to prepare for and respond to disasters; allow participating agencies to publicly disclose NORS or DIRS filing information that is aggregated and anonymized across at least four service providers; condition a participating agency's direct access to NORS and DIRS filings on their agreement to treat the filings as confidential and not disclose them absent a finding by the Commission that allows them to do so; and establish an application process that would grant agencies access to NORS and DIRS after those agencies certify to certain requirements related to maintaining confidentiality of the data and the security of the databases. In March 2021, the Commission adopted the proposed information sharing framework with some modifications in a Second Report and Order. In April 2021, in a Notice of Proposed Rulemaking, the Commission proposed to codify a rule adopted in 2016 that exempts satellite and terrestrial wireless providers from reporting outages that potentially affect special offices and facilities, as defined in Commission rules. This proceeding addresses the Commission's efforts to improve the utility of its efforts to track network outages and disruptions and does not promote the administration's specified priorities.

In May 2021, the California Public Utilities Commission (CPUC) filed a Petition for Reconsideration (PFR) requesting that the Commission reconsider its decision in the Second Report and Order to maintain the presumption of confidentiality applied to NORS and DIRS filings. The Commission sought comment on the PFR's requests.

Timetable:

Action	Date	FR Cite
NPRM, 2nd R&O, Order on Recon.	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
R&O	07/12/16	81 FR 45055
FNPRM, 1 Part 4 R&O, Order on Recon.	08/11/16	81 FR 45059
Order Denying Reply Comment Deadline Extension Request.	09/08/16	
FNPRM Comment Period End.	09/12/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Second Further NPRM.	02/28/20	85 FR 17818
Second Further NPRM Comment Period End.	06/01/20	
2nd R&O	04/29/21	86 FR 22796
3rd NPRM	06/30/21	86 FR 34679
CPUC PFR Comment Period End.	08/23/21	86 FR 40801
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AK40

307. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04–35 [3060–AK41]

Legal Authority: 47 U.S.C. 154 and 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

Abstract: The proceeding creates a new part 4 in title 47 and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly in 47 CFR 63.100 and extends these rules to other non-wireline providers. Through this

proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with States, which is addressed in a separate proceeding, PS Docket 15–80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11–82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see Dockets 11–82 and 15–80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. The Commission received comments and replies in August and September 2016.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
R&O	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Inter-connected VOIP Service Providers.	07/02/10	
Reply Period End	08/16/12	
2nd R&O, and Order on Recon, NPRM.	06/16/15	80 FR 34321
R&O	07/12/16	81 FR 45055
FNPRM, 1 Part 4 R&O, Order on Recon.	08/11/16	81 FR 45095, 81 FR 45055
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–7790, Email: logan.bennett@fcc.gov.

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RIN: 3060–AK41

308. Wireless Emergency Alerts (WEA): PS Docket No. 15–91, 15–94, 22–329 [3060–AK54]

Legal Authority: Pub. L. 109–347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: This proceeding was initiated to improve Wireless Emergency Alerts (WEA) messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order	11/01/16	81 FR 75710
FNPRM	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Petition for Recon	12/19/16	81 FR 91899
Order on Recon ..	12/04/17	82 FR 57158
2nd R&O and 2nd Order on Recon.	02/28/18	83 FR 8619
Public Notice	04/26/18	83 FR 18257
Public Notice Comment Period End.	05/29/18	
Public Notice Reply Comment Period End.	06/11/18	
FNPRM	05/20/22	87 FR 30857
NPRM	10/27/22	87 FR 71539
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Wiley, Deputy Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–1678, Email: james.wiley@fcc.gov.
RIN: 3060–AK54

309. 911 Fee Diversion Rulemaking: PS Docket Nos. 20–291, 09–14 [3060–AL31]

Legal Authority: Consolidated Appropriations Act, 2021, Pub. L. 116–260, Division FF, title 1X, sec. 902,

Don't Break Up the T-Band Act of 2020 (sec. 902)

Abstract: In 2020, Congress adopted the “Don't Break Up the T-Band Act” (section 902) to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. Among other requirements, Congress mandated that the Commission should issue final rules designating the uses of 911 fees by states and taxing jurisdictions that constitute 911 fee diversion for purposes of 47 U.S.C. 615a–1, as amended by section 902. The Commission initiated this proceeding and issued new rules at 47 CFR 9.21–9.26 that: (1) clarify the purposes and functions for which expenditures of 911 fees are acceptable and which would be considered unacceptable and constitute diversion, with illustrative, non-exhaustive examples of each; (2) establish a declaratory ruling process for providing further guidance to states and taxing jurisdictions on fee diversion issues; and (3) codify the specific obligations and restrictions that section 902 imposes on states and taxing jurisdictions, including those that engage in diversion as defined by the Commission's rules.

Timetable:

Action	Date	FR Cite
Notice of Inquiry ..	10/02/20	
NOI Comment Period End.	11/02/20	
NOI Reply Comment Period End.	12/02/20	
NPRM	02/17/21	86 FR 12399
NPRM Comment Period End.	03/23/21	
NPRM Reply Comment Period End.	04/02/21	86 FR 12399
Report & Order ...	06/25/21	86 FR 45892
R&O Erratum	08/12/21	86 FR 45892
Petition for Recon	12/22/21	86 FR 72546
Oppositions to Petition for Recon.	01/06/22	
Replies to Oppositions to Petition for Recon.	01/18/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Deputy Chief, Policy & Licensing Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418–2062, Email: brenda.boykin@fcc.gov.
RIN: 3060–AL31

310. Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 21–346 [3060–AL43]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i)–(j); 47 U.S.C. 154(n)–(o); 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 214; 47 U.S.C. 218; 47 U.S.C. 251(e)(3); 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303(b); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309(a); 47 U.S.C. 309(j); 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 403; . . .

Abstract: In October 2021, the Commission adopted a Notice of Proposed Rulemaking (NPRM) to investigate ways to improve the reliability and resiliency of communications networks during emergencies and ways to ensure that communications services remain operational when disasters strike. The NPRM sought comment on: (i) potential improvements to the voluntary Wireless Resiliency Cooperative Framework (Framework), including evaluating what triggers its activation, its scope of participants, whether existing Framework elements can be strengthened, any gaps that need to be addressed, and whether the public would benefit from codifying some or all of the Framework, (ii) ways to enhance the information available to the Commission through Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS) during disasters and network outages to improve situational awareness, and (iii) communications resiliency strategies for power outages, including improved coordination between communications service providers and power companies and deploying onsite backup power or other alternative measures to reduce the frequency, duration, or severity of power-related disruptions to communications services. In June 2022, the Commission adopted a Report & Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM) following up on and further addressing matters related to the Framework. The R&O introduced the MDRI, which largely codifies the Framework's five substantive provisions as mandatory, extended the reach of these provisions to all facilities-based mobile wireless providers, expanded the real-world criteria that trigger activation of the MDRI (as compared to the Framework) and introduced new provisions requiring providers to test their roaming capabilities and report on the performance of their implementation of the MDRI to the Commission after disaster events. The FNPRM examined

whether and how the new reporting requirement can be standardized to ensure that the Commission obtains vital and actionable information on the performance of providers' implementation of the MDRI in the aftermath of exigency, while also minimizing associated burdens. This proceeding addresses network reliability in the context of public safety and does not promote the administration's specified priorities.

Timetable:

Action	Date	FR Cite
NPRM	10/01/21	86 FR 61103
NPRM Comment Period End.	01/14/22	
FNPRM	06/27/22	87 FR 59379
R&O	06/27/22	87 FR 59329
FNPRM Comment Period End.	10/31/22	
FNPRM Reply Comment Period End.	11/29/22	
Petition for Reconsideration.	10/31/22	
Public Notice Comment.	12/02/22	87 FR 7102
Extends Deadline to File Replies.	12/19/22	87 FR 79263
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AL43

311. • Location-Based Routing for Wireless 911 Calls (P.S. Docket 18–64) [3060–AL52]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 222; 47 U.S.C. 251(e); 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 316 and 332; 47 U.S.C. 615; 47 U.S.C. 615a; 47 U.S.C. 615b; 47 U.S.C. 615c

Abstract: In this proceeding, the Federal Communications Commission proposes rules to more precisely route wireless 911 calls and texts to Public Safety Answering Points (PSAPs), which can result in faster response times during emergencies. Wireless 911 calls have historically been routed to

PSAPs based on the location of the cell tower that handles the call. Sometimes, however, the 911 call is routed to the wrong PSAP because the cell tower is not in the same jurisdiction as the 911 caller. This can happen, for instance, when an emergency call is placed near a county border. These misrouted 911 calls must be transferred from one PSAP to another, which consumes time and resources and can cause confusion and delay in emergency response. The Notice of Proposed Rulemaking (NPRM) proposes to require wireless and covered text providers to deploy technology that supports location-based routing, a method that relies on precise information about the location of the wireless caller's device, on some networks and to use location-based routing to route 911 voice calls and texts originating on those networks when caller location is accurate and timely. In addition, the NPRM proposes to require CMRS and covered text providers to deliver 911 calls, texts, and associated routing information in internet Protocol (IP) format upon request of certain 911 authorities.

Timetable:

Action	Date	FR Cite
NPRM	01/17/23	88 FR 2565
NPRM Comment Period End.	02/16/23	
Reply Comments Due.	03/20/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Deputy Chief, Policy and Licensing Div, PSHSB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2062, *Email:* brenda.boykin@fcc.gov.

RIN: 3060–AL52

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

312. Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4) [3060–A]87]

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Re-consideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM	11/28/14	79 FR 70837
2nd R&O and 2nd FNPRM.	03/23/18	83 FR 17131
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060–AJ87

313. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111 [3060–AK06]

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

Abstract: In the 2017 Report and Order, 82 FR 22742, the Commission addressed the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminated certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems. In the 2017 Further Notice, 82 FR 22780, the Commission sought comment on a process for wireless

providers to disable contraband wireless devices once they have been identified. The Commission also sought comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

In the Second Report and Order, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Report and Order adopts a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria, and the Commission addresses issues involving oversight, wireless provider liability, and treatment of 911 calls. The Second Report and Order further adopts rules requiring advance notice of certain wireless provider network changes to promote and maintain contraband interdiction system effectiveness. In the Second Further Notice of Proposed Rulemaking, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Further Notice of Proposed Rulemaking seeks further comment on the relative effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in correctional facilities previously identified in the record.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM	05/18/17	82 FR 22780
R&O	05/18/17	82 FR 22742
Final Rule Effective (Except for Rules Requiring OMB Approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035 (o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(r).	02/12/18	
2nd FNPRM	08/13/21	86 FR 44681
2nd R&O	08/13/21	86 FR 44635

Action	Date	FR Cite
2nd FNPRM Comment Period End.	09/13/21	
Final Rules Effective (except for those requiring OMB approval).	09/13/21	
Reply Comment Period End.	10/12/21	
Final Rule Effective.	05/03/22	87 FR 26139
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–2887, *Email:* melissa.conway@fcc.gov.
RIN: 3060–AK06

314. Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258 [3060–AK12]

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307(e); 47 U.S.C. 316

Abstract: The Report and Order and Second Further Notice of Proposed Rulemaking (NPRM) adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

The 2018 Report and Order addressed the issues raised in the 2017 NPRM and implemented changes rules governing

Priority Access Licenses in the band and public release of base station registration information.

On July 2020, the Commission commenced an auction of Priority Access Licenses in the band. "Winning bidders were announced on September 2, 2020".

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
R&O	12/07/18	83 FR 6306
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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315. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170) [3060–AK28]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

Abstract: This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/14/14	79 FR 68172
Public Notice	03/16/15	80 FR 15715
Public Notice	04/23/15	80 FR 22690
R&O	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418–0660, *Email:* kelly.quinn@fcc.gov, *RIN:* 3060–AK28

316. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10–112 [3060–AK44]

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 and 302; 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

Abstract: In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM	08/24/16	81 FR 58269
FNPRM Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O	11/14/16	81 FR 79894
R&O	01/02/18	83 FR 37

Action	Date	FR Cite
FNPRM	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
R&O	07/20/18	83 FR 34478
FNPRM	07/20/18	83 FR 34520
FNPRM Comment Period End.	09/28/18	
R&O	02/05/19	84 FR 1618
R&O	05/01/19	84 FR 18405
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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317. Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18–122 [3060–AK76]

Legal Authority: 47 U.S.C. 151 to 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301 to 304; 47 U.S.C. 307 to 310; 47 U.S.C. 1302; . . .

Abstract: In the 2020 Report and Order, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use (plus a 20-megahertz guard band) throughout the contiguous United States. Pursuant to the Report and Order, existing fixed satellite service (FSS) and fixed services (FS) must relocate operations out of the lower portion of the 3.7–4.0 GHz band. The Commission will issue flexible use licenses in the 3.7–3.98 GHz portion of the band in the contiguous United States via a system of competitive bidding. The Commission established rules to govern the transition including optional payments for satellite operators that choose to relocate on an accelerated schedule and provide reimbursement to FSS operators and their associated earth stations for reasonable expenses incurred to facilitate the transition. The Report and Order also established service and technical rules for the new flexible use licenses that will be issued in the 3.7–3.98 GHz portion of the band. "On December 8, 2020, the Commission began an auction of licenses in the 3.7–3.98 GHz portion of the band. the winning bidders were announced on February 24, 2021".

Timetable:

Action	Date	FR Cite
NPRM	08/29/18	83 FR 44128
NPRM Comment Period End.	11/27/18	
Public Notice	05/20/19	84 FR 22733

Action	Date	FR Cite
Certifications and Data Filing Deadline.	05/28/19	
Public Notice	06/03/19	84 FR 22514
Public Notice Comment Period End.	07/03/19	
Public Notice Reply Comment Period End.	07/18/19	
R&O	04/23/20	85 FR 22804
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1613, *Email:* paul.powell@fcc.gov.
RIN: 3060-AK76

318. Amendment of the Commission's Rules To Promote Aviation Safety: WT Docket No. 19-140 [3060-AK92]

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 307(e)

Abstract: The Federal Communications Commission regulates the Aviation Radio Service, a family of services using dedicated spectrum to enhance the safety of aircraft in flight, facilitate the efficient movement of aircraft both in the air and on the ground, and otherwise ensure the reliability and effectiveness of aviation communications. Recent technological advances have prompted the Commission to open this new rulemaking proceeding to ensure the timely deployment and use of today's state-of-the-art safety-enhancing technologies. With this Notice of Proposed Rulemaking, the Commission proposes changes to its part 87 Aviation Radio Service rules to support the deployment of more advanced avionics technology, increase the efficient use of limited spectrum resources, and generally improve aviation safety.

Timetable:

Action	Date	FR Cite
NPRM	07/02/19	84 FR 31542
NPRM Comment Period End.	09/03/19	
NPRM Reply Comment Period End.	09/30/19	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AK92

319. Implementation of State and Local Governments' Obligation To Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No. 19-250) [3060-AL29]

Legal Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

Abstract: In this proceeding, the Commission seeks to reduce regulatory barriers to wireless infrastructure deployment by further streamlining the state and local government review process for modifications to existing wireless infrastructure under section 6409(a) of the Spectrum Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	07/02/20	85 FR 39859
Declaratory Ruling	07/27/20	85 FR 45126
NPRM Comment Period End.	08/03/20	
R&O	12/03/20	85 FR 78005
Petition for Recon	03/03/21	86 FR 12898
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AL29

320. Expanding Flexible Use of the 12.2-12.7 GHz Band, et al., WT Docket No. 20-443, et al. [3060-AL40]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 153; 47 U.S.C. 154; 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 304; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316

Abstract: The Commission seeks input on feasibility of allowing mobile services in the 12.2-12.7 GHz band while protecting incumbents from harmful interference.

Timetable:

Action	Date	FR Cite
NPRM	03/08/21	86 FR 13266
NPRM Comment Period End.	04/07/21	
NPRM Reply Comment Period End.	05/07/21	
NPRM	04/16/21	86 FR 20111
NPRM Extension Comment Period End.	05/07/21	
NPRM Extension Reply Comment Period End.	06/07/21	
NPRM Denial of Further Extension of Deadlines for Filing Comments and Reply Comments.	05/27/21	86 FR 28520
NPRM	06/22/21	86 FR 32669
NPRM Extension Reply Comment Period.	07/07/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AL40

321. • Facilitating Shared Use in the 3100-3550 MHz Band [3060-AL57]

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 155(c) and 157; 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 308; 47 U.S.C. 309 ; 47 U.S.C. 309(j)(3)(B) and 309(j)(4)(D); 47 U.S.C. 310 and 316; 47 U.S.C. 923(g) and 928; 47 U.S.C. 1502; Pub. L. 115-141, sec. 603; Pub. L. 116-260, sec. 905

Abstract: In the 3.45 GHz Band Second R&O, the Commission adopted rules to make 100 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States. To facilitate this goal, the Commission previously had determined that secondary, nonfederal radiolocation licensees in the band would be relocated to the 2.9-3.0 GHz band. In the 3.45 GHz Band Second R&O, the Commission further determined that secondary, non-federal radiolocation authorizations would sunset 180 days after new 3.45 GHz Service licenses are granted in the band. On January 4, 2022, the auction for these new licenses concluded and licenses were granted on May 4, 2022. The non-federal radiolocation authorizations sunset on October 31, 2022.

Timetable:

Action	Date	FR Cite
NPRM	01/22/20	85 FR 3579
NPRM Comment Period End.	03/23/20	
Final Rule	10/09/20	85 FR 64062
Report & Order and FNPRM.	10/21/20	85 FR 66888
FNPRM Comment Period End.	11/20/20	
Correction to Final Rule.	11/03/20	85 FR 69515
Report & Order, Order on Reconsideration and Order of Proposed Modification.	04/07/21	86 FR 17920
Final Rule and Order.	12/22/22	87 FR 78579
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AL57

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

322. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information (CC Docket No. 96-115), Data Breach Reporting Requirements (WC Docket No. 22-21) [3060-AG43]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon ..	10/01/99	64 FR 53242

Action	Date	FR Cite
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Public Notice	07/13/12	77 FR 35336
Final Rule	09/21/17	82 FR 44188
NPRM	01/23/23	88 FR 3953
NPRM Comment Period End.	02/22/22	
NPRM Reply Comment Period End.	03/24/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AG43

323. Local Telephone Networks That LECs Must Make Available to Competitors [3060-AH44]

Legal Authority: 47 U.S.C. 251

Abstract: The Commission adopted rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rules, adopted in dockets CC 96-98, WC 01-338, and WC 04-313, are intended to accelerate the development of local exchange competition.

Timetable:

Action	Date	FR Cite
Second FNPRM ..	04/26/99	64 FR 20238
Fourth FNPRM	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Supplemental Order.	01/18/00	65 FR 2542
Third R&O	01/18/00	65 FR 2542
Correction	04/11/00	65 FR 19334

Action	Date	FR Cite
Supplemental Order Clarification.	06/20/00	65 FR 38214
Public Notice	02/01/01	66 FR 8555
Public Notice	03/05/01	66 FR 18279
Public Notice	04/10/01	
Public Notice	04/23/01	
Public Notice	05/14/01	
NPRM	01/15/02	67 FR 1947
Public Notice	05/29/02	
Public Notice	08/01/02	
Public Notice	08/13/02	
NPRM	08/21/03	68 FR 52276
R&O and Order on Remand.	08/21/03	68 FR 52276
Errata	09/17/03	
Report	10/09/03	68 FR 60391
Order	10/28/03	
Order	01/09/04	
Public Notice	01/09/04	
Public Notice	02/18/04	
Order	07/08/04	
Second R&O	07/08/04	69 FR 43762
Order on Recon ..	08/09/04	69 FR 54589
Interim Order	08/20/04	69 FR 55111
NPRM	08/20/04	69 FR 55128
Public Notice	09/10/04	
Public Notice	09/13/04	
Public Notice	10/20/04	
Order on Recon ..	12/29/04	69 FR 77950
Order on Remand	02/04/04	
Public Notice	04/25/05	70 FR 29313
Public Notice	05/25/05	70 FR 34765
Declaratory Ruling	05/26/11	
NPRM	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AH44

324. Jurisdictional Separations [3060-AJ06]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and marketplace changes warrant comprehensive reform of the separations process. In 2001, the

Commission adopted the Federal-State Joint Board on Jurisdictional Separations' Joint Board's recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission issued an Order and Further Notice of Proposed Rulemaking that extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission issued a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission issued a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission issued a Report and Order extending the separations freeze for an additional 2 years to June 2014. In 2014, the Commission issued a Report and Order extending the separations freeze for an additional 3 years to June 2017.

In 2016, the Commission issued a Report and Order extending the separations freeze for an additional 18 months until January 1, 2018. In 2017, the Joint Board issued a Recommended Decision recommending changes to the part 36 rules designed to harmonize them with the Commission's previous amendments to its part 32 accounting rules. In February 2018, the Commission issued a Notice of Proposed Rulemaking proposing amendments to part 36 consistent with the Joint Board's recommendations. In October 2018, the Commission issued a Report and Order adopting each of the Joint Board's recommendations and amending the Part 36 consistent with those recommendations. In July 2018, the Commission issued a Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 15 years and to provide rate-of-return carriers that had elected to freeze their category relationships a time limited opportunity to opt out of that freeze. In December 2018, the Commission issued a Report and Order extending the freeze for up to 6 years until December 31, 2024, and granting rate-of-return carriers that had elected to freeze their category relationships a one-time opportunity to opt out of that freeze.

On March 31, 2020, the United States Court of Appeals for the District of Columbia Circuit affirmed the Commission's December 2018 Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
R&O	05/23/12	77 FR 30410
R&O	06/13/14	79 FR 36232
R&O	06/02/17	82 FR 25535
Recommended Decision.	10/27/17	
NPRM	03/13/18	83 FR 10817
NPRM Comment Period End.	04/27/18	
NPRM	07/27/18	83 FR 35589
NPRM Comment Period End.	09/10/18	
R&O	12/11/18	83 FR 63581
R&O	02/15/19	84 FR 4351
Announcement of OMB Approval.	03/01/19	84 FR 6977
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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325. Rates for Inmate Calling Services; WC Docket No. 12-375; Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act, WC Docket No. 23-62 [3060-AK08]

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b); 47 U.S.C. 218; 47 U.S.C. 220; 47 U.S.C. 276; 47 U.S.C. 403; 47 CFR 64; Martha Wright-Reed Just and Reasonable Communications Act of 2022; Pub. L. 117-338, 136 Stat. 6156; 47 U.S.C. 152(b) and 153(1)(E); 47 U.S.C. 276(b)(1)(A) and (d)

Abstract: In the Second Report and Order, the Federal Communications Commission (the Commission) adopted rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable limits on ancillary service charges imposed by ICS providers. In the Second Report and Order, the Commission set caps on all interstate and intrastate calling rates for ICS,

established a tiered rate structure based on the size and type of facility being served, limited the types of ancillary services that ICS providers may charge for and capped the charges for permitted fees, banned flat-rate calling, facilitated access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposed reporting and certification requirements to facilitate continued oversight of the ICS market. In the Third Further Notice portion of the item, the Commission sought comment on ways to promote competition for ICS, video visitation, and rates for international calls, and considered an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amended its rate caps and the definition of "mandatory tax or mandatory fee".

On June 13, 2017, the D.C. Circuit vacated the rate caps adopted in the Second Report and Order, as well as reporting requirements related to video visitation. The court held that the Commission lacked jurisdiction over intrastate ICS calls and that the rate caps the Commission adopted for interstate calls were arbitrary and capricious. The court also remanded the Commission's caps on ancillary fees. On September 26, 2017, the court denied a petition for rehearing en banc. On December 21, 2017, the court issued two separate orders: one vacating the 2016 Order on Reconsideration insofar as it purported to set rate caps on inmate calling services, and one dismissing as moot challenges to the Commission's First Report and Order on ICS.

On February 4, 2020, the Commission's Wireline Competition Bureau (WCB) released a Public Notice seeking to refresh the record on ancillary service charges imposed in connection with ICS.

On August 6, 2020, the Commission adopted a Report and Order on Remand and a Fourth Further Notice of Proposed Rulemaking responding to remands by the D.C. Circuit and proposing to comprehensively reform rates and charges for the ICS within the Commission's jurisdiction. The Report and Order on Remand found that the Commission's five permitted ancillary service charges: (1) automated payment fees; (2) fees for single-call and related services; (3) live agent fees; (4) paper bill/statement fees; and (5) third-party financial transaction fees generally, cannot be practically segregated between interstate and intrastate inmate telephone calls, except in a limited number of cases. Accordingly, the Commission prohibited ICS providers

from imposing ancillary service fees higher than the Commission's caps, or imposing fees for additional ancillary services unless imposed in connection with purely intrastate inmate telephone service calls.

The Order also reinstated a rule prohibiting providers from marking up third-party fees for single-call services; reinstated rule language that prohibits providers from marking up mandatory taxes or fees that they pass on to inmate telephone service consumers; and amended certain of the ICS rules consistent with the D.C. Circuit's mandates to reflect that the Commission's rate and fee caps on ICS apply only to interstate and international inmate calling.

The Fourth Further Notice of Proposed Rulemaking proposed to substantially reduce the interstate rate cap for inmate telephone calls from the current interim rate caps of \$0.21 per minute for debit or prepaid calls and \$0.25 per minute for collect calls for all types of correctional facilities, to permanent rate caps of \$0.14 per minute for all interstate calls from prisons and \$0.16 for all interstate calls from jails. The Fourth Further Notice of Proposed Rulemaking also proposed to adopt rate caps for international ICS calls for the first time based on the proposed interstate rate caps, plus the amount that the provider must pay its underlying international service provider for an international call. It also proposed a waiver process for providers that believe the Commission's rate caps would not allow them to recover their costs of serving a particular facility or contract. Finally, it sought comment on a further mandatory data collection to continue efforts to reform these rates and fees.

On November 23, 2020, Global Tel*Link Corporation (GTL) filed a petition for reconsideration of the August 6, 2020 Order on Remand. On December 3, 2020, the Commission established the opposition and reply comment dates for the petition.

On May 24, 2021, the Commission released the Third Report and Order, Order on Reconsideration and Fifth Further Notice of Proposed Rulemaking. In the Third Report and Order, the Commission: (1) substantially reduced the interim rate caps for interstate ICS from prisons and larger jails (those with 1,000 or more incarcerated people) from \$0.21 per minute for debit and prepaid calls and \$0.25 per minute for collect calls to new uniform interim interstate caps of \$0.12 per minute for prisons and \$0.14 per minute for larger jails; (2) maintained the interim interstate rate cap of \$0.21 for jails with less than

1,000 incarcerated people because of insufficient record evidence to determine providers' costs of serving those facilities at the time; (3) eliminated separate treatment of collect calls, resulting in a uniform interim interstate rate cap for all types of calls at each facility; (4) reformed the treatment of site commission payments by specifying that providers may pass through to consumers (without any markup) site commission payments that are mandated by federal, state, or local law and that providers may pass through to consumers no more than \$0.02 per minute site commission payments resulting from contractual obligations negotiated between providers and correctional officials; (5) capped, for the first time, international calling rates at all facilities at the applicable facility's total interstate rate cap, plus the amount the inmate calling services provider pays to its underlying wholesale carriers for completing international calls; (6) reformed the ancillary service charge caps for third-party financial transaction fees, including those related to calls that are billed on a per-call basis; and (7) adopted a new mandatory data collection to obtain more uniform cost data based on consistent, prescribed allocation methodologies to determine just and reasonable, permanent, interstate and international cost-based rates for facilities of all sizes.

In the Order on Reconsideration, the Commission denied GTL's petition for reconsideration of a single sentence from the 2020 Remand Order, in which the Commission reminded providers that the jurisdictional nature of a call, that is whether it is interstate or intrastate, depends on the physical location of the endpoints of the call and not on whether the area code or NXX prefix of the telephone number associated with the account are associated with a particular state. The Commission determined that the end-to-end analysis has been, and remains, the generally applicable test for all telecommunications carriers in determining the jurisdiction of their calls and the Commission continues to use the traditional end-to-end jurisdictional analysis in setting rates for calls placed by ICS consumers.

In the Fifth Further Notice, the Commission proposed to amend its rules to require calling service providers to provide access to all forms of Telecommunications Relay Services, including internet-based services, to facilitate greater accessibility for incarcerated people with hearing and speech disabilities. The Commission also sought comment on: (1) the

methodology the Commission should use to set permanent per-minute rate caps for interstate and international inmate calling services; (2) site commission costs for facilities of all sizes and site commission reform generally; (3) the costs of providing services to jails with average daily populations of fewer than 1,000 incarcerated people; (4) whether and how the Commission should reform the ancillary service charge caps and how the Commission can curtail potentially abusive practices related to these charges; (5) whether to institute a recurring periodic data collection; and (6) whether some providers have market power in the bidding process, thereby impacting the competitiveness of the bidding process.

On September 22, 2021, WCB and the Office of Economics and Analytics (OEA), (collectively, WCB/OEA) issued a Public Notice seeking comment on the contours and specific requirements of the Third Mandatory Data Collection, including proposed instructions and a proposed template for that collection. In issuing this Public Notice, WCB/OEA were acting pursuant to the Commission's directive, made in the *2021 ICS Order*, that the new data collection obtain data on providers' operations, costs, demand, and revenues, among other information. As the Commission explained in that Order, the collected information would allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the ancillary service charge caps.

On December 15, 2021, WCB/OEA issued a Public Notice seeking comment on revised requirements for ICS Annual Reports, including proposed instructions, templates, and a provider certification. Specifically, the Public Notice proposed changes in the reporting requirements to align them with ICS rule changes adopted in the *2021 ICS Order*.

On January 18, 2022, WCB adopted an Order implementing the Third Mandatory Data Collection and adopted accompanying instructions, reporting templates, and a certification form. The collected information would allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps.

On February 9, 2022, WCB released a public notice announcing that the providers' mandatory data collection responses will be due no later than June 30, 2022.

On June 24, 2022, WCB adopted an Order implementing revisions to its annual reporting requirements, including accompanying instructions, reporting templates, and a certification form. The revisions were consistent with changes made in the Third Report and Order.

On September 30, 2022, the Commission released the Fourth Report and Order, and Sixth Further Notice of Proposed Rulemaking. The Report and Order required ICS providers to provide access to all relay services eligible for Telecommunications Relay Services fund support in any correctional facility that is located where broadband is available and is part of a correctional system with 50 or more incarcerated people. This included the ability to place point-to-point video calls using American Sign Language. The rules also restricted provider charges for relay services and point-to-point video calls. More generally, the rules reduced certain charges and curtailed abusive practices related to ICS to ease the financial burdens on all incarcerated people and their families. To ensure that the rates, terms, and practices related to interstate and international ICS are just and reasonable, the Order prohibited providers from taking control of funds in inactive calling accounts until at least 180 calendar days of continuous inactivity had passed, after which providers are required to refund the balance or dispose of the funds in accordance with applicable state law. The Order also lowered the current ancillary fee caps on charges for single call services, and lowered the cap on provider charges for processing credit card, debit card, and other payments to calling services accounts. Finally, the Commission revised the definitions of "Prison" and "Jail" in its rules to conform with the Commission's intent in adopting them in 2015.

In the Sixth Further Notice, the Commission sought additional comment on whether to allow enterprise registration for internet Protocol Captioned Telephone Service in carceral settings and how to address the special circumstances faced by some ICS providers in jurisdictions with average daily populations of fewer than 50 incarcerated persons. This Notice sought comment on refining the rules adopted in the Fifth Report and Order concerning the treatment of balances in inactive accounts. It also sought comment on expanding the breadth and scope of the Commission's consumer disclosure requirements. The Commission asked for comment on how it should use the data filed in response to the Third Mandatory Data Collection

to establish just and reasonable permanent caps on interstate and international rates and associated ancillary service charges consistent with the Telecommunications Act of 1934 (the Act). The Commission invited further comment on allowing ICS providers to offer pilot programs allowing consumers to purchase calling services under alternative pricing structures.

On March 17, 2023, the Commission opened a new docket, WC Docket No. 23–62, and released a Notice of Proposed Rulemaking and Order to begin implementation of the Martha Wright-Reed Just and Reasonable Communications Act of 2022, which was signed into law on January 5, 2023. The Martha Wright-Reed Act expands the Commission's authority over rates charged for incarcerated people's communications services, including intrastate services, and directs the Commission to adopt just and reasonable rates and charges for incarcerated people's audio and video communications services not earlier than 18 months and not later than 24 months after the date of its enactment. The Notice seeks comment on (1) the expansion of the Commission's authority over incarcerated people's communications services to include advanced communications services (including audio and video services) and intrastate services; (2) the meaning of "just and reasonable" in the context of the Act's other provisions; (3) the rate-making methodology the Commission should use to fulfill its mandate to ensure that rates and charges for incarcerated people's communications services are just and reasonable; (4) the safety and security costs necessary for the provision of incarcerated people's communications services; and (5) the actions the Commission should take to ensure that incarcerated people's communications services are accessible to, and usable by, people with communication disabilities. The accompanying Order reaffirmed the Commission's prior delegation of data collection authority to WCB/OEA and directed staff to initiate a collection of provider data to inform the Commission's responsibilities to implement the requirements of the Martha Wright-Reed Act.

Timetable:

Action	Date	FR Cite
NPRM	01/22/13	78 FR 4369
FNPRM	11/13/13	78 FR 68005
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	

Action	Date	FR Cite
2nd FNPRM	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM	12/18/15	80 FR 79020
2nd R&O	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Announcement of OMB Approval.	02/06/20	85 FR 6947
Public Notice	02/19/20	85 FR 9444
Public Notice Comment Period End.	03/20/20	
Public Notice Reply Comment Period End.	04/06/20	
Letter	07/15/20	
R&O on Remand & 4th FNPRM.	08/06/20	85 FR 67450; 85 FR 67480; 85 FR 73233
Order	09/01/20	
Public Notice	09/24/20	85 FR 66512
Public Notice	10/23/20	
Letter	11/13/20	
Public Notice	12/03/20	85 FR 83000
Order Extending Reply Comment Deadline.	12/17/20	
Public Notice	01/08/21	
Comment Period End on 12/3/2020, Public Notice End.	01/11/21	
Comment Period End on 12/3/2020, Public Notice End.	01/21/21	
Public Notice	03/03/21	
5th FNPRM	07/28/21	86 FR 40416
3rd R&O	07/28/21	86 FR 40682
3rd R&O	07/28/21	86 FR 40340
Order	08/10/21	86 FR 48952
Public Notice (MDC).	09/22/21	86 FR 54897
5th NPRM Comment Period End.	09/27/21	
Order Extending Reply Comment Deadline.	10/15/21	86 FR 60438
5th NPRM Reply Comment Period End.	10/27/21	
Comment Period End on 09/22/2021, Public Notice End.	11/04/21	

Action	Date	FR Cite
Reply Comment Period on 09/22/2021, Public Notice End.	11/19/21	87 FR 212
5th NPRM Reply Comment Period End.	12/17/21	
Public Notice on Annual Reports.	01/04/22	
Comment Period End on 01/04/2022, Public Notice End.	01/12/22	
Reply Period on 01/04/2022, Public Notice End.	01/27/22	
Order Adopting MDC.	03/22/22	87 FR 16560
Order Adopting Annual Reports Revisions.	08/02/22	87 FR 47103
4th R&O	09/30/22	
6th FNPRM	09/30/22	
NPRM and Order	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AK08

326. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14-130) [3060-AK20]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219 and 220

Abstract: The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals

are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted a Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

On June 5, 2017, NCTA-The internet & Television Association filed a petition for reconsideration of the Report and Order requesting that the Commission: (a) clarify that parties making pole attachments will have access to all accounting information needed to verify the reasonableness of pole attachment rates; and (b) establish additional substantive protections to ensure that pole attachment rates based on GAAP are consistent with the requirements of Section 224 of the Communication Act and the assurances contained in the Part 32 Order. Oppositions to that petition were due on July 21, 2017, and replies were due on July 31, 2017.

Timetable:

Action	Date	FR Cite
NPRM	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	
R&O	04/04/17	82 FR 20833

Action	Date	FR Cite
Petition for Reconsideration.	06/05/17	82 FR 31282
Comment Period on Petition for Reconsideration End.	07/21/17	
Reply Comment Period on Petition for Reconsideration End.	07/31/17	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: William A. Kehoe III, Senior Counsel, Policy & Program Planning Division, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7122, *Email:* william.kehoe@fcc.gov. *RIN:* 3060-AK20

327. Restoring Internet Freedom (WC Docket No. 17-108); Protecting and Promoting the Open Internet (GN Docket No. 14-28) [3060-AK21]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b)

Abstract: In December 2017, the Commission adopted the Restoring internet Freedom Declaratory Ruling, Report and Order, and Order (Restoring internet Freedom Order), which reclassified broadband internet access service as an information service; reinstates the determination that mobile broadband internet access service is not a commercial mobile service and as a private mobile service; finds that transparency, internet Service Providers (ISPs) economic incentives, and antitrust and consumer protection laws will protect the openness of the internet, and that title II regulation is unnecessary to do so; and adopts a transparency rule similar to that in the 2010 Open internet Order, requiring disclosure of network management practices, performance characteristics, and commercial terms of service. Additionally, the transparency rule requires ISPs to disclose any blocking, throttling, paid prioritization, or affiliate prioritization, and eliminates the internet conduct standard and the bright-line conduct rules set forth in the 2015 Open internet Order.

Timetable:

Action	Date	FR Cite
NPRM	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	

Action	Date	FR Cite
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM NPRM Comment Period End.	06/02/17 07/03/17	82 FR 25568
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852
Order on Remand Next Action Undetermined.	01/07/21	86 FR 994

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AK21

328. Technology Transitions; GN Docket No. 13-5, WC Docket No. 05-25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17-84 [3060-AK32]

Legal Authority: 47 U.S.C. 214; 47 U.S.C. 251

Abstract: On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOI, and RFC) seeking input on a number of actions designed to accelerate: (1) the deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order (R&O), Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order took a number of actions. First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases

access to infrastructure for certain types of broadband providers. Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandoned the 2014 “functional test” interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters. Various parties filed a Petition for Review of the Wireline Infrastructure Order in the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit denied the Petition on January 23, 2020 on the grounds that the parties lacked standing.

On June 7, 2018, the Commission adopted a Second Report and Order (Wireline Infrastructure Second Report and Order) taking further actions designed to expedite the transition from legacy networks and services to next generation networks and advanced services that benefit the American public and to promote broadband deployment by further streamlining the section 214(a) discontinuance rules, network change disclosure processes, and part 68 customer notification process.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order or the June Wireline Infrastructure Second Report and Order. It sought comment on changes to the Commission’s pole attachment rules to: (1) streamline the timeframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact

rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting State and local laws that inhibit broadband deployment. It also sought comment on whether there are State laws governing the maintenance or retirement of copper facilities that serve as a barrier to deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that: (1) proposed new backup power rules; (2) proposed new or revised rules for copper retirements and service discontinuances; and (3) adopted a functional test in determining what constitutes a service for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier’s actions will discontinue service to a carrier-customer’s retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

On August 2, 2018, the Commission adopted a Third Report and Order and Declaratory Ruling (Wireline Infrastructure Third Report and Order)

establishing a new framework for the vast majority of pole attachments governed by Federal law by instituting a one-touch make-ready regime, in which a new attachers may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to promote coordination among parties and ensures that new attachers perform work safely and reliably. The Commission retained its multi-party pole attachment process for attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays. The Commission also improved its pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to overlash existing wires, thus maximizing the usable space on the pole; eliminating outdated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly-situated cable and telecommunications attachers; and clarifying that the Commission will preempt, on an expedited case-by-case basis, State and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster. The Commission also adopted a Declaratory Ruling that interpreted section 253(a) of the Communications Act to prohibit State and local express and *de facto* moratoria on the deployment of telecommunications services or facilities and directed the Wireline Competition and Wireless Telecommunications Bureaus to act promptly on petitions challenging specific alleged moratoria. Numerous parties filed appeals of the Wireline Infrastructure Third Report and Order, and the appeals were consolidated in the U.S. Court of Appeals of the Ninth Circuit. On August 12, 2020, the Ninth Circuit issued an opinion upholding the Wireline Infrastructure Third Report and Order in all respects.

On August 8, 2018, Public Knowledge filed a Petition for Reconsideration of the Second Report and Order and Motion to Hold in Abeyance. On October 20, 2020, the Wireline Competition Bureau (Bureau) adopted a Declaratory Ruling, Order on Reconsideration, and Order. In the Declaratory Ruling, the Bureau clarified that any carrier seeking to discontinue

legacy voice service to a community or part of a community that is the last retail provider of such legacy TDM service to that community or part of the community is subject to the Commission's technology transition discontinuance rules, including the requirements to receive streamlined treatment of its discontinuance application. In the Order on Reconsideration, the Bureau denied the Public Knowledge Petition for Reconsideration because all of Public Knowledge's arguments were fully considered, and rejected, by the Commission in the underlying proceeding. It also dismissed as moot the accompanying motion to have the Commission hold that *Order* in abeyance pending the outcome of the appeal that the Ninth Circuit ultimately denied.

In September 2019, CTIA filed a Petition for Declaratory Ruling seeking clarification of certain issues raised in the 2018 Third Report and Order. On July 29, 2020, the Wireline Competition Bureau issued a Declaratory Ruling clarifying that (1) the imposition of a blanket ban by a utility on attachments to any portion of a utility pole is inconsistent with the federal requirement that a denial of access . . . be specific to a particular request; and (2) while utilities and attachers have the flexibility to negotiate terms in their pole attachment agreements that differ from the requirements in the Commission's rules, a utility cannot use its significant negotiating leverage to require an attacher to give up rights to which the attacher is entitled under the rules without the attacher obtaining a corresponding benefit.

On July 20, 2020, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed on July 16, 2020 by NCTA The internet & Television Association. NCTA asked the Commission to declare that: (1) pole owners must share in the cost of pole replacements in unserved areas pursuant to section 224 of the Communications Act, section 1.1408(b) of the Commission's rules, and Commission precedent; (2) pole attachment complaints arising in unserved areas should be prioritized through placement on the Accelerated Docket under section 1.736 of the Commission's rules; and (3) section 1.1407(b) of the Commission's rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so. Comments on the NCTA Petition were due by September

2, 2020, and reply comments by September 17, 2020.

On January 19, 2021, WCB released a Declaratory Ruling on the subject of pole replacements. WCB declined to rule on the NCTA Petition, finding that the questions raised were better suited to a rulemaking. However, in response to the Petition's record, WCB issued a narrow clarification: a utility may not impose the entire cost of a pole replacement on a requesting attacher when the attacher is not the sole cause of the pole replacement (for instance, where the pole has been red-tagged" *i.e.*, placed on a utility's pole replacement schedule due to non-compliance with safety standards).

On July 23, 2021, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed by the Edison Electric Institute asking the Commission to declare that: (1) when the Commission determines that a pole attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission's rules, the applicable statute of limitations" is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not appropriate" for any period preceding good-faith notice of a dispute. Deadlines for filing comments and reply comments were set for August 23, 2021, and September 10, 2021, respectively.

In March 2022, the Commission began the rulemaking contemplated by the January 2021 Declaratory Ruling, by adopting a Second Further Notice of Proposed Rulemaking seeking comment on several issues relating to pole replacements, including (1) whether and to what extent utilities directly benefit from various types of pole replacements in situations where a pole replacement is not necessitated solely by a new attachment request; (2) whether requiring utilities to pay a portion of the costs of a pole replacement would positively or negatively affect negotiations of pole attachment agreements and broadband deployment; (3) what measures the Commission could adopt to expedite the resolution of pole replacement disputes; and (4) what scope of refunds the Commission should order when it determines that a pole attachment rate, term, or condition is unjust and unreasonable. Comments on the Second FNPRM were due on June 27, 2022, while reply comments were due on August 26, 2022.

Timetable:

Action	Date	FR Cite
NPRM	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM	09/25/15	80 FR 57768
R&O	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O	09/12/16	81 FR 62632
NPRM	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	
FNPRM Reply Comment Period End.	02/16/18	
2nd R&O	07/09/18	83 FR 31659
3rd R&O	09/14/18	83 FR 46812
NCTA Public Notice.	07/20/20	
CTIA Declaratory Ruling.	07/29/20	
Declaratory Ruling Order on Reconsideration.	01/19/21	
EEL Public Notice	02/02/21	86 FR 8872
EEL Public Notice Comment Period End.	07/23/21	
EEL Public Notice Reply Comment Period End.	08/23/21	
EEL Public Notice	09/10/21	
Second FNPRM ..	03/18/22	87 FR 25181
Second Further NPRM Comment Period End.	06/27/22	
Second Further NPRM Reply Comment Period End.	08/26/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AK32

329. Numbering Policies for Modern Communications, WC Docket No. 13-97 [3060-AK36]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission's rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a State certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system. The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any State requirements pursuant to numbering authority delegated to the States by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

The Order also modifies Commission's rules in order to permit

VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Based on experiences and review of the direct access authorization process established by the 2015 Order, the Commission adopted a FNPRM which proposes clarifications and revisions to the Commission's rules to better ensure that interconnected VoIP providers that obtain direct access authorization to not facilitate illegal robocalls, spoofing, or fraud, pose national security risks, or evade or abuse intercarrier compensation requirements. The FNPRM proposes to require additional certifications as part of the direct access authorization applications process, that would include certification of compliance with anti-robocalling obligations. The FNPRM also proposes to clarify that applicants disclose foreign ownership information on their direct access application. It would also propose to generally refer those applications with 10% or greater foreign ownership to the Executive Branch agencies for their review, consistent with the Commission's referral of other types of applications. The FNPRM also propose to clarify that holders of a direct access authorization must update the Commission and applicable states within 30 days of changes to ownership information submitted to the Commission. The FNPRM further proposes to clarify that Commission staff retain the authority to determine when to accept filings as complete and proposes to direct Commission staff to reject an application if an applicant has engaged in behavior contrary to the public interest or has been found to originate or transmit illegal robocalls. Finally, the FNPRM seeks comment on whether to expand the direct access authorization to one-way VoIP providers or other entities that use numbering resources.

Timetable:

Action	Date	FR Cite
NPRM	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O	10/29/15	80 FR 66454
FNPRM (Release Date).	08/06/21	86 FR 51081
FNPRM (Comment Period End).	10/14/21	86 FR 51081
Next Action Undetermined.		

Regulatory Flexibility Analysis
 Required: Yes.

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RIN: 3060-AK36

330. Implementation of the Universal Service Portions of the 1996 Telecommunications Act [3060-AK57]

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation's schools, libraries, and rural healthcare facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Healthcare.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On October 28, 2022, the Commission proposed extending Universal Service support for mobile and fixed providers beyond 2023.

On November 23, 2022, the Commission sought comments on petitions that permit the use of E-Rate funds to support advanced or next-generation firewalls, services and network security services.

On February 17, 2023, the Commission proposed simplifying rules for accessing program offering High Speed internet for Schools and Libraries.

Timetable:

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon ..	05/19/17	82 FR 22901
Order on Recon ..	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
NPRM	07/30/19	84 FR 36865
NPRM	08/21/19	84 FR 43543
R&O and Order on Recon.	11/07/19	84 FR 59937
Order on Recon ..	12/09/19	84 FR 67220
R&O	12/20/19	84 FR 70026
R&O	12/27/19	84 FR 71308
R&O	01/17/20	85 FR 3044
Report & Order ..	03/10/20	85 FR 13773
Report & Order ..	05/11/20	85 FR 19892
Declaratory Ruling/2nd FNPRM.	08/04/20	85 FR 48134
Public Notice	03/22/21	86 FR 15172
Report & Order on Recon.	04/09/21	86 FR 18459
R&O	05/28/21	86 FR 29136
2nd R&O	07/14/21	86 FR 37061
Public Notice	08/02/21	86 FR 41408
NPRM	10/14/21	86 FR 57097
Order	12/14/21	86 FR 70983
NPRM	01/27/22	87 FR 4182
FNPRM	03/15/22	87 FR 14422
NPRM	06/16/22	87 FR 36283
NPRM	06/23/22	87 FR 37459
2nd R&O	09/06/22	87 FR 54311
3rd R&O	09/06/22	87 FR 54401
Further Notice of Proposed Rule-making.	11/19/22	87 FR 67660
Public Notice	01/06/23	88 FR 1035
Notice of Proposed Rule-making.	03/09/23	88 FR 14529
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AK57

331. Toll Free Assignment Modernization and Toll Free Service Access Codes: WC Docket No. 17-192, CC Docket No. 95-155 [3060-AK91]

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 251(e)(1)

Abstract: In this Report and Order (Order), the Federal Communications Commission (FCC) initiates an auction to distribute certain toll free numbers. The numbers to be auctioned will be in

the new 833 toll free code for which there have been multiple, competing requests.

By using an auction, the FCC will ensure that sought-after numbers are awarded to the parties that value them most. In addition, the FCC will reserve certain 833 numbers for distribution to government and non-profit entities that request them for public health and safety purposes. The FCC will study the results of the auction to determine how to best use the mechanism to distribute toll-free numbers equitably and efficiently in the future as well. Revenues from the auction will be used to defray the cost of toll-free numbering administration, reducing the cost of numbering for all users. The Order establishing the toll-free number auction will also authorize and accommodate the use of a secondary market for numbers awarded at auction to further distribute these numbers to the entities that value them most. The Order also adopted several definitional and technical updates to improve clarity and flexibility in toll-free number assignment.

The Commission sought comment and then adopted auctions procedures and deadlines on August 2, 2019. Bidding for the auction occurred on December 17, 2019, and Somos issued an announcement of the winning bidders on December 20, 2019. On December 16, 2019, to facilitate the preparation of its study of the auction, the Bureau charged the North American Numbering Council, via its Toll Free Access Modernization Working Group, to issue a report evaluating various aspects of the 833 Auction, and recommending improvements for any future toll free number auctions.

On January 16, 2020, Somos released all of the 833 Auction data for public review. On March 13, 2020, the Bureau invited public comment on the 833 Auction in preparation for issuing a report on the lessons learned from the Auction. Comments were due on April 13, 2020. On July 14, 2020, the North American Numbering Council approved the Toll Free Assignment Modernization Working Group's report, Perspectives on the December 2019 Auction of Numbers in the 833 Numbering Plan Area.

On January 15, 2021, the Bureau released a report that examined various aspects of this toll free number assignment experiment, including lessons learned, examination of auction outcomes, and recommendations for future toll free number assignment. The Bureau concluded that the 833 Auction was a successful experiment that provided invaluable experience and data that can facilitate further

Commission efforts to continue to modernize toll free number allocation in the future.

Timetable:

Action	Date	FR Cite
NPRM	10/13/17	82 FR 47669
NPRM Comment Period End.	11/13/17	
Final Rule	10/23/18	83 FR 53377
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060-AK91

332. Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19-195 and 11-10 [3060-AK93]

Legal Authority: 47 U.S.C. 35 to 39; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 219; 47 U.S.C. 220; 47 U.S.C. 402(b)(2)(B); Pub. L. 104-104; 47 U.S.C. 151-154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641 to 646; Pub. L 116-130; . . .

Abstract: The Commission has long recognized that precise, granular data on the availability of fixed and mobile broadband are vital to bringing digital opportunity to all Americans, no matter where they live, work, or travel.

On March 23, 2020, the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) was signed into law requiring the Commission to create a new set of broadband availability maps. Among other things, the Broadband DATA Act requires the Commission to collect standardized, granular data on the availability and quality of both fixed and mobile broadband internet access services, to create a common dataset of all locations where fixed broadband internet access service can be installed (the Broadband Serviceable Location Fabric or Fabric), and to create publicly available coverage maps. The Act further requires the Commission to establish processes for members of the public and other entities

to (1) provide verified data for use in the coverage maps; (2) challenge the coverage maps, the broadband availability data submitted by broadband internet access service providers (providers), and the Fabric; and (3) submit specific crowdsourcing information about the development and availability of broadband service.

In July 2020, implementing the Broadband DATA Act and building off of an August 2019 Report and Order and Notice of Proposed Rulemaking, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that adopted rules for the collection and verification of improved, more precise data on both fixed and mobile broadband availability. In January 2021, the Commission released a Third Report and Order that established new requirements for the BDC and took additional steps to implement the Broadband DATA Act. The Commission adopted rules to specify which fixed and mobile providers are required to report broadband availability data and expanded the reporting and certification requirements for filing data in the BDC. It also adopted standards for collecting verified broadband data from State, local, and Tribal entities and certain third parties, and for identifying locations that would be included in the Fabric. Importantly, in the Third Report and Order, the Commission also established processes for verifying the accuracy of provider-submitted data and the Fabric, including a third party challenge process.

Implementing the Broadband DATA Act and these new rules, the Commission created a complex data platform and system to collect and map availability data collected from over 2500 providers and for consumers and other stakeholders to submit challenges to that data; established the Fabric dataset of locations upon which to overlay provider availability data; and established a dedicated help center to provide technical assistance to providers, consumers and other stakeholders.

In July 2021, the Wireless Telecommunications Bureau (WTB), Office of Economics and Analytics (OEA), and Office of Engineering and Technology (OET) released a Public Notice seeking comment on the technical requirements for the mobile challenge, verification, and crowdsourcing processes required under the Broadband DATA Act for the new Broadband Data Collection (BDC). In March 2022, the Broadband Data Task Force (Task Force), WTB, OEA, and OET released a detailed order, technical

appendix, rules, and technical data specifications setting forth technical requirements and specifications for the mobile challenge, verification, and crowdsourcing processes required by the Act.

To help facilitate the mobile challenge process, in April 2022, the Task Force and OET issued a Public Notice announcing the technical requirements and procedures for approving third-party mobile speed test procedures for use in collecting and submitting mobile network performance data as part of the BDC. To assist entities that choose to file mobile challenges in bulk, in September 2022 the Task Force and WTB established a process for entities to use their own software and hardware to collect on-the-ground mobile speed test data for use in the BDC mobile challenge process.

Also in April 2022, the Task Force, WCB, WTB, OEA, and OET released a Public Notice providing details on the procedures for state, local, and Tribal governmental entities to submit verified availability data through the BDC system.

Seeking to clarify the Commission's rules for filing data in the BDC, in July 2022 WCB, WTB, OEA, and the Task Force issued a Declaratory Ruling on certain aspects of a rule regarding the engineering certification in BDC filings and issued a limited waiver of the requirement that providers have an engineer certification their biannual BDC filings for the first three filing cycles of the BDC.

On June 15, 2022, the FCC Enforcement Bureau issued an Enforcement Advisory reminding all facilities-based providers of their duty to timely file complete and accurate data in the BDC by September 1, 2022.

In February 2022, the Commission announced the opening of the initial filing window of the BDC would open on June 30, 2022, and was due no later than September 1, 2022. In December 2022, the Commission announced that the second filing window of the BDC would open on January 3, 2023, and required all fixed and mobile providers to submit broadband availability data as of December 31, 2022, and was due no later than March 1, 2023.

In November 2022, the Commission released a pre-production draft of its new National Broadband Map based on version 1 of the Fabric and the availability data submitted by providers as of June 30, 2022. The new map is the most comprehensive, granular, and standardized data the Commission has ever published on broadband availability.

The Commission adopted an Order in December 2022, to sunset the Form 477 broadband deployment data collection and eliminate a largely duplicative requirement on providers. As a result, providers will no longer be required to submit Form 477 broadband deployment data, but must still submit broadband and voice subscription data using the FCC Form 477; those filers will submit their data through the BDC system.

Timetable:

Action	Date	FR Cite
NPRM	08/03/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
Report & Order ...	08/01/19	84 FR 43705
Second Further Notice of Proposed Rulemaking.	08/01/19	84 FR 43764
Second Further NPRM Comment Period End.	10/07/19	
2nd R&O	07/16/20	85 FR 50886
3rd FNPRM	07/16/20	85 FR 50911
3rd FNPRM Comment Period End.	09/08/20	
3rd R&O	01/13/21	86 FR 18124
Public Notice	07/16/21	86 FR 40398
Public Notice Comment Period End.	09/27/21	
Order	03/09/22	87 FR 21476
Order	12/16/22	87 FR 76949
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

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RIN: 3060-AK93

333. Call Authentication Trust Anchor [3060-AL00]

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 227; 47 U.S.C. 227b; 47 U.S.C. 503

Abstract: On June 6, 2019, the Commission adopted a Declaratory Ruling and Third Further Notice of Proposed Rulemaking (CG Docket No. 17-59, WC Docket No. 17-97) that proposed and sought comment on mandating implementation of STIR/SHAKEN in the event that major voice service providers did not voluntarily implement the framework by the end of 2019.

On December 30, 2019, Congress enacted the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement

and Deterrence (TRACED) Act. Along with numerous other provisions directed at addressing robocalls, the TRACED Act directs the Commission to require all voice service providers to implement STIR/SHAKEN in the Internet Protocol (IP) portions of their networks, and to implement an effective caller ID authentication framework in the non-IP portions of their networks. The TRACED Act further creates processes by which voice service providers may be exempt from this mandate if the Commission determines they have achieved certain implementation benchmarks, and by which voice service providers may be granted a delay in compliance based on a finding of undue hardship because of burdens or barriers to implementation or based on a delay in development of a caller ID authentication protocol for calls delivered over non-IP networks.

On March 31, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (WC Docket Nos. 17-97, 20-67). The Report and Order mandated that all originating and terminating voice service providers implement the STIR/SHAKEN caller ID authentication framework in the IP portions of their networks by June 30, 2021. In the Further Notice the Commission sought comment on proposals to further promote caller ID authentication and implement the TRACED Act.

On September 29, 2020, the Commission adopted a Second Report and Order (WC Docket No. 17-97). The Second Report and Order implemented rules (1) granting extensions for compliance with the STIR/SHAKEN implementation mandate for small voice service providers, voice service providers that cannot obtain a SPC token from the Governance Authority, services scheduled for section 214 discontinuance, for those portions of a voice service provider's network that rely on non-IP technology, and establishing a process for individual voice service providers to seek provider specific extensions; (2) requiring voice service providers using non-IP technology either to upgrade their networks to IP to enable STIR/SHAKEN implementation, or work to develop non-IP caller ID authentication technology and implement a robocall mitigation program in the interim; (3) establishing a process where by a voice service provider may be exempt from the STIR/SHAKEN implementation mandate if the provider has achieved certain implementation benchmarks; (4) prohibiting voice service providers from imposing line item charges on consumer and small business subscribers for caller

ID authentication; and (5) requiring intermediate providers to implement STIR/SHAKEN. On May 20, 2021, the Commission released a Third Further Notice of Proposed Rulemaking proposing to shorten the small provider extension from two years to one for a subset of small voice service providers that are at a heightened risk of originating an especially large amount of robocall traffic.

On January 13, 2021, the Commission adopted a Second Further Notice of Proposed Rulemaking proposing and seeking comment on a limited role for the Commission to oversee certificate revocation decisions by the private STIR/SHAKEN Governance Authority that would have the effect of placing providers in noncompliance with the Commission's rules. On August 5, 2021, the Commission adopted a Third Report and Order which adopted rules creating this oversight role.

On September 30, 2021, the Commission adopted a Fourth Further Notice of Proposed Rulemaking proposing to require gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers, seeking comment on revisions to the information that filers must submit to the Robocall Mitigation Database, and clarifying the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points and other emergency services providers.

On December 9, 2021, the Commission adopted a Fourth Report and Order adopting rules requiring non-facilities based small voice providers implement STIR/SHAKEN by June 30, 2022, and requiring small voice providers of any kind suspected of originating illegal robocalls to implement STIR/SHAKEN on an accelerated timeline.

On May 19, 2022, the Commission adopted a Fifth Report and Order, Order on Reconsideration, Order, and Fifth Further Notice of Proposed Rulemaking. The Fifth Report and Order and Order required gateway providers to submit a certification to the Robocall Mitigation Database, implement STIR/SHAKEN caller ID authentication as well as several other requirements, including an obligation to mitigate illegal robocall traffic and submit a mitigation plan to the Robocall Mitigation Database regardless of their STIR/SHAKEN implementation status. The Order on Reconsideration expanded the obligation of domestic providers to block calls carrying US NANP numbers from foreign providers not listed in the

Robocall Mitigation Database. The Fifth Further Notice of Proposed Rulemaking sought comment on further steps to combat illegal robocalls, including extending requirements for authentication and filing in the Robocall Mitigation Database, requiring additional measures for robocall mitigation, enhancing enforcement mechanisms and other related issues aimed at closing existing potential loopholes.

On March 16, 2023, the Commission adopted a Sixth Report and Order and Further Notice of Proposed Rulemaking. The Sixth Report and Order required intermediate providers to implement STIR/SHAKEN caller ID authentication for certain calls, expanded robocall mitigation requirements for all providers, and adopted more robust enforcement tools. The Sixth Further Notice of Proposed Rulemaking seeks comment on additional measures to combat illegal robocalls, including whether any changes should be made to the Commission's rules to permit, prohibit, or limit the use of third-party caller ID authentication solutions and whether to eliminate the STIR/SHAKEN implementation extension for providers that cannot obtain Service Provider Code tokens, which are necessary to participate in the STIR/SHAKEN caller ID authentication framework".

Timetable:

Action	Date	FR Cite
NOI	07/14/17	
DR and 3rd FNPRM.	06/06/19	84 FR 29478
NPRM	06/24/19	84 FR 29478
NPRM Comment Period End.	08/23/19	
3rd FNPRM Comment Period End.	08/23/19	
R&O and FNPRM FNPRM Comment Period End.	03/31/20	85 FR 22029
2nd R&O	09/29/20	85 FR 73360
2nd FNPRM	01/13/21	86 FR 9894
2nd FNPRM Comment Period.	03/19/21	
3rd FNPRM	05/20/21	86 FR 30571
3rd R&O	08/05/21	86 FR 48511
3rd FNPRM Comment Period End.	08/19/21	
4th FNPRM	10/01/21	86 FR 59084
4th FNPRM Comment Period End.	11/26/21	
4th R&O	12/09/21	
5th R&O, Order on Reconsideration.	05/19/22	87 FR 42916
5th FNPRM	05/19/22	87 FR 42670

Action	Date	FR Cite
5th FNPRM Comment Period End.	05/19/22	
6th FNPRM	03/16/23	
6th Report and Order.	03/17/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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334. Implementation of the National Suicide Improvement Act of 2018 [3060-AL01]

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 251

Abstract: On August 14, 2018, Congress passed the National Suicide Hotline Improvement Act (Act). Public Law 115-233, 132 Stat. 2424 (2018). The purpose of the Act was to study and report on the feasibility of designating a 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system by considering each of the current N11 designations. The Act directed the Commission to: (1) conduct a study that examines the feasibility of designating a simple, easy-to-remember, 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system; and (2) analyze how well the current National Suicide Prevention Lifeline is working to address the needs of veterans. The Act also directed the Commission to coordinate with the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA), the Secretary of Veterans Affairs, and the North American Numbering Council (NANC) in conducting the study, and to produce a report on the study by August 14, 2019.

On August 14, 2019, the Wireline Competition Bureau and Office of Economics and Analytics submitted its report to Congress recommending that: (1) a 3-digit dialing code be used for a national suicide prevention and mental health crisis hotline system; and (2) the Commission should initiate a rulemaking proceeding to consider designating 988 as the 3-digit code.

On December 12, 2019, the Commission released a notice of proposed rulemaking (NPRM) proposing to designate 988 as a new, nationwide,

3-digit dialing code for a suicide prevention and mental health crisis hotline. WC Docket No. 18-336. The NPRM proposes that calls made to 988 be directed to the existing National Suicide Prevention Lifeline, which is made up of an expansive network of over 170 crisis centers located across the United States, and to the Veterans Crisis Line. The NPRM also proposes to require all telecommunications carriers and interconnected VoIP service providers to make, within 18 months, any changes necessary to ensure that users can dial 988 to reach the National Suicide Prevention Lifeline and Veterans Crisis Line.

On July 16, 2020, the Commission adopted an Order designating 988 as the 3-digit number to reach the Lifeline and Veterans Crisis Line (800-273-TALK or 800-273-8255) and requiring all telecommunications carriers, interconnected voice over internet Protocol (VoIP) providers, and one-way VoIP providers to make any network changes necessary to ensure that users can dial 988 to reach the Lifeline by July 16, 2022.

On October 16, 2020, the Communications Equality Advocates filed a petition for partial reconsideration of the FCC's July 16, 2020 Report and Order. In their petition, Communications Equality Advocates requested that the FCC revise the Order to mandate text-to-988 and direct video calling (DVC) requirements and to have such requirements be implemented on the same timeline as voice calls to 988, by July 16, 2022.

On October 17, 2020, Congress enacted the National Suicide Hotline Designation Act of 2020 (2020 Act). Public Law 116-172, 134 Stat. 832 (2020). The 2020 Act, among other things, designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline," with designation occurring one year after enactment.

On November 9, 2020, pursuant to 2020 Act's requirements that the Commission submit a report on the feasibility and cost of attaching an automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues.

On April 22, 2021 the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number.

On November 19, 2020, pursuant to 2020 Act's requirements that the Commission submit a report on the feasibility and cost of attaching an automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues. A Report to Congress regarding geolocation was released on April 15, 2021.

On April 22, 2021 the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number. On November 19, 2021, the Commission adopted an Order requiring the industry to enable texting to 988 by the same deadline as for voice calls, July 16, 2022.

On May 24, 2022, the Commission, following up on its report to Congress, hosted a forum in coordination with the U.S. Department of Health and Human Services and the U.S. Department of Veterans Affairs that convened various stakeholders to discuss issues surrounding geolocation. Participants included state and local entities; suicide prevention and mental health experts and advocates; communications industry leaders; and technical experts. The Commission opened the event to the public via live feed on the Commission's website, and audience members submitted questions to panelists by email.

On October 14, 2022, in accordance with the National Suicide Hotline Designation Act of 2020, the Wireline Competition Bureau submitted its first 988 Fee Accountability Report to Congress reporting on the collection and distribution of 988 fees and charges by the states, the District of Columbia, U.S. territories, and Tribal authorities for the period of January 1, 2021 to December 31, 2021.

On January 26, 2023, the Commission adopted a Notice of Proposed Rulemaking to help ensure that the public has access to the 988 Suicide & Crisis Lifeline if a service outage occurs.

Timetable:

Action	Date	FR Cite
NPRM	01/15/20	85 FR 2359
NPRM Comment Period End.	03/16/20	
Report & Order ...	07/16/20	
PFR	10/16/20	
Oppositions Due	12/02/20	
Public Notice	12/08/20	85 FR 79014
Replies Due	12/14/20	
Public Notice Comment Period End.	01/11/21	
FNPRM	06/11/21	86 FR 31404

Action	Date	FR Cite
FNPRM Comment Period End.	08/10/21	
Report & Order ...	11/19/21	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Sclater, Attorney, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0388, *Email:* michelle.sclater@fcc.gov.
RIN: 3060-AL01

335. Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services [3060-AL02]

Legal Authority: 47 U.S.C. 10; 47 U.S.C. 251

Abstract: On November 22, 2019, the Commission adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on proposals to update the unbundling and avoided-cost resale obligations stemming from the 1996 Act and applicable only to incumbent LECs. Many of these obligations appear to no longer be necessary in many geographic areas due to vigorous competition for mass market broadband services in urban areas and numerous intermodal voice capabilities and services. But recognizing that rural areas pose special challenges for broadband deployment, the NPRM did not propose any change to unbundling requirements for broadband-capable loops in rural areas. The NPRM sought to promote the Commission's efforts to reduce unnecessary and outdated regulatory burdens that appear to discourage the deployment of next-generation networks, delay the IP transition, unnecessarily burden incumbent LECs with no similar obligations placed on their competitors, and no longer benefit consumers or serve the purpose for which they were intended.

On October 27, 2020, the Commission adopted a Report and Order (1) eliminating unbundling requirements, subject to a reasonable transition period, for enterprise-grade DS1 and DS3 loops where there is evidence of actual and potential competition, for broadband-capable DS0 loops and associated subloops in the most densely populated areas, and for voice-grade narrowband loops nationwide, but preserving unbundling requirements for DS0 loops in less densely populated areas and DS1 and DS3 loops in areas without sufficient evidence of competition; (2)

eliminating unbundling requirements for network interface devices and multiunit premises subloops; (3) eliminating unbundled dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks, but providing an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm consumers; (4) eliminating unbundling requirements for operations support systems, except where carriers are continuing to manage UNEs and for purposes of local interconnection and local number portability; and (5) eliminating remaining avoided-cost resale requirements. The Report and Order ended unbundling and resale requirements where they stifle technology transitions and broadband deployment, but preserved unbundling requirements where they are still necessary to realize the 1996 Act's goal of robust intermodal competition benefiting all Americans.

Timetable:

Action	Date	FR Cite
NPRM	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Petition for Reconsideration filed by Sonic Telecom.	09/29/22	
Replies to Oppositions to Petition for Reconsideration.	10/04/22	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Berlove, Assistant Division Chief, Competition Policy Div., WCB, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1477, *Email:* michele.berlove@fcc.gov.
RIN: 3060-AL02

336. Establishing a 5G Fund for Rural America; GN Docket No. 20-32 [3060-AL15]

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 214; 47 U.S.C. 254; 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The 5G Fund for Rural America will distribute up to \$9 billion in universal service support through competitive bidding in two phases to bring mobile voice and 5G broadband service to rural areas of the country. 5G public interest obligations and

performance requirements imposed on carriers continuing to receive legacy mobile high-cost support will help ensure that the areas they serve enjoy the benefits that 5G promises.

Timetable:

Action	Date	FR Cite
NPRM	05/26/20	85 FR 31616
Final Action	11/25/20	85 FR 75770x
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Kirk Burgee, Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1599, *Email:* kirk.burgie@fcc.gov, *RIN:* 3060–AL15

337. Improving Competitive Broadband Access to Multiple Tenant Environments [3060–AL35]

Legal Authority: 47 U.S.C. 151–54, 201(b), 303(r), 521(4), 521(6), 544(i), and 548

Abstract: In June 2017, the Commission issued a Notice of Inquiry seeking comment on the state of broadband competition in multiple tenant environments (MTEs) and whether additional Commission action in this area is warranted to eliminate or reduce barriers faced by broadband providers that seek to serve MTE occupants. In July 2019, the Commission issued a Notice of Proposed Rulemaking seeking further targeted comment on a variety of issues that may affect the provisioning of broadband to MTEs, including exclusive marketing and wiring arrangements, revenue sharing agreements, state and local regulations, and the Commission's legal authority to address broadband, telecommunications, and video deployment and competition in MTEs. In February 2022, the Commission adopted a Report and Order and Declaratory Ruling that (1) adopted new rules prohibiting providers from entering into certain types of revenue sharing agreements that are used to evade our existing rules; (2) adopted new rules requiring providers to disclose the existence of exclusive marketing arrangements in simple, easy-to-understand language; and (3) clarified

that existing Commission rules regarding cable inside wiring prohibit so-called sale-and-leaseback arrangements which effectively deny access to alternative providers. In taking these actions, the Commission is promoting tenant choice and competition in the provision of communications services to the benefit of those who live and work in MTEs.

Timetable:

Action	Date	FR Cite
Notice of Inquiry ..	06/22/17	
Notice of Inquiry Comment Period End.	08/22/17	
NPRM	07/31/19	84 FR 37219
NPRM Comment Period End.	09/30/19	
Report & Order, Declaratory Ruling.	03/28/22	87 FR 17181
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Matthew Collins, Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7141, *Email:* matthew.collins@fcc.gov, *RIN:* 3060–AL35

338. Supporting Survivors of Domestic and Sexual Violence (WC Docket No. 22–238,11–42, 21–450) [3060–AL48]

Legal Authority: 47 U.S.C. 151.201(b); 47 U.S.C. 301 and 303; 47 U.S.C. 307 and 309; 47 U.S.C. 316 and 345; 47 U.S.C. 403 and sec. 5(b); Pub. L. 117–223 and 136 Stat. 2280

Abstract: On July 14, 2022, the Commission initiated an inquiry into steps that the Commission could take to assist survivors of domestic violence. In the Notice of Inquiry, the Commission sought information on the scope of connectivity-based difficulties survivors face, as well as potential means by which current Commission programs could be better adapted and new programs could be developed to address survivors' needs. In particular, the Commission sought comment relating to potentially developing a centralized database of telephone numbers relating to domestic abuse support that could be used by service providers to prevent survivors' communications with

support organizations from appearing on logs of calls and text messages that may be available to abusers.

In the NPRM, the Commission begins the process of implementing the Safe Connections Act of 2022 (Safe Connections Act), enacted on December 7, 2022. The legislation amends the Communications Act of 1934 (Communications Act) to require mobile service providers to separate the line of a survivor of domestic violence (and other related crimes and abuse), and any individuals in the care of the survivor, from a mobile service contract shared with an abuser within two business days after receiving a request from the survivor. The Safe Connections Act also directs the Commission to issue rules, within 18 months of the statute's enactment, implementing the line separation requirement. Further, the legislation also requires the Commission to open a rulemaking within 180 days of enactment to consider whether to, and how the Commission should, establish a central database of domestic abuse hotlines to be used by service providers and require such providers to omit, subject to certain conditions, any records of calls or text messages to the hotlines from consumer-facing call and text message logs. The NPRM proposes rules as directed by these statutory requirements.

Timetable:

Action	Date	FR Cite
NOI	08/18/22	
Comment Period End.	08/18/22	
Reply Comment Period End.	09/19/22	
NPRM	02/17/23	88 FR 15558
NPRM Comment Period End.	04/10/23	
Reply Comment Period End.	05/10/23	
Next Action Undetermined.		

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Edward Kracher, Deputy Division Chief, Wireline Competition Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1525.

RIN: 3060–AL48

[FR Doc. 2023–14555 Filed 7–26–23; 8:45 am]

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FEDERAL REGISTER

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Part XXII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board’s Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2023, through October 31, 2023. The next agenda will be published in fall 2023.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2023 agenda as part of the Spring 2023 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: www.reginfo.gov. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board’s agenda is divided into five sections. The first, Pre-rule Stage reports on matters the Board is considering for future rulemaking. The second section, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. And a fifth section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. A dot (•) preceding an entry indicates a new matter that was not a part of the Board’s previous agenda.

Ann E. Misback,
Secretary of the Board.

FEDERAL RESERVE SYSTEM—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
339	Source of Strength (Section 610 Review)	7100–AE73

FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
340	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Prerule Stage

339. Source of Strength (Section 610 Review) [7100–AE73]

Legal Authority: 12 U.S.C. 1831(o)
Abstract: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution.

Timetable:

Action	Date	FR Cite
Board Expects Further Action.	12/00/23	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Helen Xu, Senior Accounting Policy Analyst, Federal Reserve System, Supervision and Regulation, Washington, DC 20551, *Phone:* 202 530–6204.

Melissa Clark, Lead Financial Institution Policy Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452–2277.

Vivian Joel, Lead Financial Institution Policy Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 912–4313.

Jay Schwarz, Assistant General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2970.

Claudia Von Pervieux, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452–2552.

RIN: 7100–AE73

FEDERAL RESERVE SYSTEM (FRS)

Long-Term Actions

340. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429) [7100–AD80]

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an

interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters.

Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board's regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Tkacz, Sr. Special Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452-2744.

Victoria Szybillo, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 475-6325.

RIN: 7100-AD80

[FR Doc. 2023-14556 Filed 7-26-23; 8:45 am]

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Part XXIII

National Labor Relations Board

Semiannual Regulatory Agenda

NATIONAL LABOR RELATIONS BOARD

29 CFR Parts 101 to 103

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: National Labor Relations Board.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following agenda of the National Labor Relations Board is published in accordance with Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility

Act (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act. The complete Unified Agenda is available online at www.reginfo.gov. Publication in the **Federal Register** is mandated only for regulatory flexibility agendas required under the RFA. Because the RFA does not require regulatory flexibility agendas for the regulations proposed and issued by the Board, the Board’s agenda appears only on the internet at www.reginfo.gov. The Board’s agenda refers to www.regulations.gov, the Government website at which members of the public

can find, review, and comment on Federal rulemakings that are published in the **Federal Register** and open for comment.

FOR FURTHER INFORMATION CONTACT: For further information concerning the regulatory actions listed in the agenda, contact Farah Z. Qureshi, Deputy Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570; telephone 202–273–1949, TTY/TDD 1–800–315–6572; email Farah.Qureshi@nrlrb.gov.

Farah Z. Qureshi,
Deputy Executive Secretary.

NATIONAL LABOR RELATIONS BOARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
341	Joint Employer	3142–AA21

NATIONAL LABOR RELATIONS BOARD (NLRB)

Final Rule Stage

341. Joint Employer [3142–AA21]

Legal Authority: 29 U.S.C. 156

Abstract: The National Labor Relations Board will engage in rulemaking on the standard for determining whether two employers, as defined in section 2(2) of the National Labor Relations Act (Act), are a joint employer under the Act.

Timetable:		
Action	Date	FR Cite
NPRM	09/07/22	87 FR 54641
NPRM Comment Period Extended.	10/19/22	87 FR 63465
NPRM Comment Period Extended End.	12/07/22	
Final Rule	08/00/23	
<i>Regulatory Flexibility Analysis Required:</i> Yes.		

Agency Contact: Farah Qureshi, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email:* farah.qureshi@nrlrb.gov.

Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email:* roxanne.rothschild@nrlrb.gov.

RIN: 3142–AA21

[FR Doc. 2023–14557 Filed 7–26–23; 8:45 am]

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Part XXIV

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0059]

10 CFR Chapter I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The NRC’s Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 5 rulemaking activities since our complete Agenda was issued online at the Office of Management and Budget’s website at <https://www.reginfo.gov> on January 4, 2023. This issuance of our Agenda contains 32 active and 21 long-term rulemaking activities: 3 are Economically Significant; 17 represent Other Significant agency priorities; 35 are Substantive, Nonsignificant rulemaking activities; and 3 are Administrative rulemaking activities. In addition, 7 rulemaking activities impact small entities. We are requesting comment on the rulemaking activities as identified in this Agenda. The NRC’s last Agenda was issued for public comment on February 22, 2023.

DATES: Submit comments on rulemaking activities as identified in this Agenda by August 28, 2023.

ADDRESSES: Submit comments on any rulemaking activity in the Agenda by the date and methods specified in the **Federal Register** notice for the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before the closure date specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal Rulemaking website by going to <https://www.regulations.gov> and searching for Docket ID NRC–2023–0059. Address questions about NRC dockets to Dawn Forder, telephone: 301–415–3407; email: Dawn.Forder@nrc.gov.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and

Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Cindy K. Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: Cindy.Bladey@nrc.gov. Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

SUPPLEMENTARY INFORMATION:

Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0059 when contacting the NRC about the availability of information for this document. You may obtain publicly available information related to this document by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0059.

- **NRC’s PDR:** You may examine and purchase copies of public documents, by appointment, at the NRC’s Public Document Room, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

- **Reginfo.gov:**

- For completed rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed>, select “Fall 2022 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” from drop down menu, and select “Nuclear Regulatory Commission” from drop down menu.

- For active rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain> and select “Nuclear Regulatory Commission” from drop down menu.

- For long-term rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain>, select link for “Current Long-Term Actions,” and select “Nuclear Regulatory Commission” from drop down menu.

B. Submitting Comments

Please include Docket ID NRC–2023–0059 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into the NRC’s Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

Introduction

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: completed, active, and long term. Completed rulemaking activities are those that were completed since publication of an agency’s last Agenda; active rulemaking activities are those for which an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

The NRC assigns a “Regulation Identifier Number” (RIN) to a rulemaking activity when the Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission-delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire “lifecycle” of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition

for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on *February 22, 2023*. Specifically, the information in this Agenda has been updated through *May 22, 2023*. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, in NRC's Rulemaking Tracking System on our website at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruleindex.html>.

The date for the next scheduled action under the heading "Timetable" is the date the next regulatory action for the rulemaking activity is scheduled to be

published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of issuance of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At

this time, we have initiated one review that has a *significant* economic impact on a *substantial* number of small entities. Please see docket NRC–2023–0062 at <https://www.regulations.gov> to comment on NRC's newly initiated review, "Section 610 Review of Physical Protection of Byproduct Material". A complete listing of our regulations that impact small entities and related Small Entity Compliance Guides are available from NRC's website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html>.

For the Nuclear Regulatory Commission.
Cindy K. Bladey,
Chief, Regulatory Analysis and Rulemaking
Support Branch, Division of Rulemaking,
Environmental, and Financial Support, Office
of Nuclear Material Safety and Safeguards.

NUCLEAR REGULATORY COMMISSION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
342	Physical Protection of Byproduct Material [NRC–2023–0062] (Section 610 Review)	3150–AK94

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
343	Revision to the NRC's Acquisition Regulation (NRCAR) [NRC–2014–0033]	3150–AJ36
344	Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC–2022–0046]	3150–AK74

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
345	Revision of Fee Schedules: Fee Recovery for FY 2023 [NRC–2021–0024]	3150–AK58

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
346	Items Containing Byproduct Material Incidental to Production [NRC–2015–0017]	3150–AJ54
347	Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC–2023–0069]	3150–AK95

NUCLEAR REGULATORY COMMISSION (NRC)

Prerule Stage

342. • Physical Protection of Byproduct Material [NRC–2023–0062] (Section 610 Review) [3150–AK94]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: On March 19, 2013, the U.S. Nuclear Regulatory Commission (NRC) promulgated Physical Protection of Byproduct Material (78 FR 16922). The rule amended NRC's regulations to establish security requirements for the

use and transport of category 1 and category 2 quantities of radioactive material. Subsequently, on September 30, 2014, the NRC promulgated Safeguards Information—Modified Handling Categorization; Change for Materials Facilities (79 FR 58664), to protect security-related information for large irradiators, manufacturers and distributors, and for the transport of category 1 quantities of radioactive material using the information protection requirements in Part 37. This new entry in the regulatory agenda announces that NRC plans to conduct a

review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, NRC will consider the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other

Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. As part of this review, the NRC will solicit public comments

Timetable:

Action	Date	FR Cite
Begin Review	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jill Shepherd, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001, *Phone:* 301 415-1230, *Email:* jill.shepherd@nrc.gov.

RIN: 3150-AK94.

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

343. Revision to the NRC's Acquisition Regulation (NRCAR) [NRC-2014-0033] [3150-AJ36]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's acquisition regulation that governs the procurement of goods and services for the agency. The purpose of this rulemaking is to update the NRC's acquisitions regulations (NRCAR) to conform with external regulations, incorporate NRC organizational changes, and remove outdated or obsolete information. The revisions would affect both internal and external stakeholders (contractors) and are needed to support current NRC contracting policies and ensure openness, transparency, and effectiveness in agency acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jill Daly, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20055-0001, *Phone:* 301 415-8079, *Email:* jill.daly@nrc.gov.

RIN: 3150-AJ36.

344. Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC-2022-0046] [3150-AK74]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover, to the maximum extent practicable, approximately 100 percent of the NRC's budget authority, less the budget authority for excluded activities to implement the Nuclear Energy Innovation and Modernization Act. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/24	
Final Rule	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-7341, *Email:* anthony.rossi@nrc.gov.

RIN: 3150-AK74

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

345. Revision of Fee Schedules: Fee Recovery for FY 2023 [NRC-2021-0024] [3150-AK58]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC's annual budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	03/03/23	88 FR 13357
NPRM Comment Period End.	04/03/23	
Final Rule	06/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-7341, *Email:* anthony.rossi@nrc.gov.

RIN: 3150-AK58

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

346. Items Containing Byproduct Material Incidental to Production [NRC-2015-0017] [3150-AJ54]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations regarding requirements for track-etched membranes that have been irradiated with mixed fission products during the production process. The rule also would accommodate the licensing and distribution of other irradiated products (e.g., gemstones) without the need for a specific exemption for each distributor. This rulemaking would affect the licensees and applicants for items containing byproduct material incidental to production. The rulemaking addresses a petition for rulemaking (PRM-30-65).

Timetable:

Action	Date	FR Cite
Regulatory Basis	02/02/21	86 FR 7819
Regulatory Basis Comment Period End.	04/05/21	
NPRM	06/27/22	87 FR 38012
NPRM Comment Period End.	09/12/22	
Final Rule	12/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caylee Kenny, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001, *Phone:* 301 415-7150, *Email:* caylee.kenny@nrc.gov.

RIN: 3150-AJ54

347. • Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC-2023-0069] [3150-AK95]

Legal Authority: 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

Abstract: This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover, to the

maximum extent practicable, approximately 100 percent of the NRC's budget authority, less the budget authority for excluded activities to implement the Nuclear Energy Innovation and Modernization Act. NEIMA requires that the FY 2025 fees be collected by September 30, 2025. This rulemaking would affect the fee schedules for licensing, inspection, and

annual fees charged to the NRC's applicants and licensees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/25	
Final Rule	05/00/25	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jo Jacobs, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-8388, *Email:* jo.jacobs@nrc.gov.

RIN: 3150-AK95

[FR Doc. 2023-14565 Filed 7-26-23; 8:45 am]

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Part XXV

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE
COMMISSION

17 CFR Ch. II

[Release Nos. 33–11178; 34–97286; IA–6281; IC–34884; File No. S7–09–23]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.
ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Securities and Exchange Commission is publishing the Chair’s agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sept. 19, 1980). The items listed in the Regulatory Flexibility Agenda for Spring 2023 reflect only the priorities of the Chair of the U.S. Securities and Exchange Commission, and do not necessarily reflect the views and priorities of any individual Commissioner.

Information in the agenda was accurate on April 10, 2023, the date on which the Commission’s staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission’s complete RFA agenda will be available online at www.reginfo.gov.

DATES: Comments should be received on or before August 28, 2023.

ADDRESSES: Comments may be submitted by any of the following methods:

- Electronic comments:*
- Use the Commission’s internet comment form (<https://www.sec.gov/rules/other.shtml>); or
 - Send an email to rule-comments@sec.gov. Please include File Number S7–09–23 on the subject line.

Paper comments:

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–09–23. 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 website (<https://www.sec.gov/rules/other.shtml>). Comments are also 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 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

FOR FURTHER INFORMATION CONTACT: Sarit Klein, Office of the General Counsel, 202–551–5037.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5

U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

- “Securities Act”—Securities Act of 1933
- “Exchange Act”—Securities Exchange Act of 1934
- “Investment Company Act”—Investment Company Act of 1940
- “Investment Advisers Act”—Investment Advisers Act of 1940
- “Dodd Frank Act”—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.
Vanessa A. Countryman,
Secretary.

3 OOD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
348	Amendments to Requirements for Filer Validation and Access to the EDGAR Filing System	3235–AM58

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
349	Rule 144 Holding Period	3235–AM78

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
350	Prohibition Against Conflicts of Interest in Certain Securitizations	3235–AL04
351	Cybersecurity Risk Governance	3235–AM89
352	Rule 14a–8 Amendments	3235–AM91

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
353	Listing Standards for Recovery of Erroneously Awarded Compensation	3235–AK99
354	Insider Trading Arrangements and Related Disclosures	3235–AM86
355	Share Repurchase Disclosure Modernization	3235–AM94

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
356	Safeguarding Advisory Client Assets	3235–AM32
357	Investment Company Names	3235–AM72
358	Enhanced Disclosures by Certain Investment Advisers and Investment Companies about Environmental, Social, and Governance Investment Practices.	3235–AM96
359	Open-End Fund Liquidity Risk Management Programs and Swing Pricing; Form N–PORT Reporting	3235–AM98
360	Private Fund Advisers; Documentation of Registered Investment Adviser Compliance Reviews	3235–AN07
361	Cybersecurity Risk Management for Investment Advisers, Registered Investment Companies, and Business Development Companies.	3235–AN08
362	Outsourcing by Investment Advisers	3235–AN18
363	Regulation S P: Privacy of Consumer Financial Information and Safeguarding Customer Information	3235–AN26

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
364	Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting on Executive Compensation Votes by Institutional Investment Managers.	3235–AK67
365	Tailored Shareholder Reports for Mutual Funds and Exchange-Traded Funds; Fee Information in Investment Company Advertisements.	3235–AM52

DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
366	Cybersecurity Risk Management Rules for Broker-Dealers, Clearing Agencies, MSBSPs, the MSRB, National Securities Associations, National Securities Exchanges, SBSDRs, SBS Dealers, and Transfer Agents.	3235–AN15
367	Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders ..	3235–AN23
368	Regulation Best Execution	3235–AN24

DIVISION OF TRADING AND MARKETS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
369	Electronic Recordkeeping Requirements for Broker-Dealers and Security-Based Swap Dealers and Major Security-Based Swap Participants.	3235–AM76
370	Shortening the Securities Transaction Settlement Cycle	3235–AN02

SECURITIES AND EXCHANGE COMMISSION (SEC)*Economics*

Proposed Rule Stage

348. Amendments to Requirements for Filer Validation and Access to the Edgar Filing System [3235-AM58]

Legal Authority: 15 U.S.C. 77c; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 78l; 15 U.S.C. 78m; . . .

Abstract: The EDGAR Business Office is considering recommending that the Commission propose rules and amendments to modernize and enhance access to the EDGAR Filing System, including new validation requirements for Filers and/or their representatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Rosemary Filou, Chief Counsel, EDGAR Business Office, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-4813, *Email:* flour@sec.gov.

RIN: 3235-AM58

SECURITIES AND EXCHANGE COMMISSION (SEC)*Division of Corporation Finance*

Proposed Rule Stage

349. Rule 144 Holding Period [3235-AM78]

Legal Authority: 15 U.S.C. 77b; 15 U.S.C. 77b note; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77r; 15 U.S.C. 77s; 15 U.S.C. 77z-3; 15 U.S.C. 77sss; 15 U.S.C. 78c; 15 U.S.C. 78d; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78o-7 note; 15 U.S.C. 78t; 15 U.S.C. 78w; 15 U.S.C. 78ll(d); 15 U.S.C. 78mm; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-26; 15 U.S.C. 80a-28; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; Pub. L. 112-106, sec. 201(a), sec. 401, 126 Stat. 313 (2012); Sec. 401 Pub. L. 112-106, 126 Stat. 313 (2012); Sec. 107, Pub. L. 112-106, 126 Stat. 312; 12 U.S.C. 5461 *et seq.*; 15 U.S.C. 77s(a); 15 U.S.C. 77z-2; 15 U.S.C. 77sss(a); 15 U.S.C. 78a *et seq.*; 15 U.S.C. 78c(b); 15 U.S.C. 78o(d); 15 U.S.C. 78u-5; 15 U.S.C. 78w(a); 15 U.S.C. 78ll; 15 U.S.C. 80a-2(a); 15 U.S.C. 80a-3; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-9; 15 U.S.C. 80a-10; 15

U.S.C. 80a-13; 15 U.S.C. 7201 *et seq.*; 18 U.S.C. 1350; Sec. 107, Pub. L. 112-106, 126 Stat. 312; Sec. 953(b) Pub. L. 111-203, 124 Stat. 1904; Sec. 102(a)(3) Pub. L. 112-106, 126 Stat. 309 (2012); Sec. 107, Pub. L. 112-106, 126 Stat. 313 (2012); Sec. 72001 Pub. L. 114-94, 129 Stat. 1312 (2015); . . .

Abstract: The Division is considering recommending that the Commission repropose amendments to Rule 144, a non-exclusive safe harbor that permits the public resale of restricted or control securities if the conditions of the rule are met.

Timetable:

Action	Date	FR Cite
NPRM	01/19/21	86 FR 5063
NPRM Comment Period End.	03/22/21	
Second NPRM	04/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: John Fieldsend, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3430, *Email:* fieldsendj@sec.gov.

RIN: 3235-AM78

SECURITIES AND EXCHANGE COMMISSION (SEC)*Division of Corporation Finance*

Final Rule Stage

350. Prohibition Against Conflicts of Interest in Certain Securitizations [3235-AL04]

Legal Authority: 15 U.S.C. 77b; 15 U.S.C. 77b note; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77r; 15 U.S.C. 77s; 15 U.S.C. 77z-3; 15 U.S.C. 77sss; 15 U.S.C. 78c; 15 U.S.C. 78d; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78o-7 note; 15 U.S.C. 78t; 15 U.S.C. 78w; 15 U.S.C. 78ll(d); 15 U.S.C. 78mm; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-28; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; Pub. L. 112-106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), unless otherwise noted; . . .

Abstract: The Division is considering recommending that the Commission adopt a rule under the Securities Act to implement the prohibition under section 621 of the Dodd-Frank Act on material conflicts of interest in connection with certain securitizations. The proposed rules would prohibit, for a specified period, a securitization

participant from engaging in any transaction that would result in a material conflict of interest between a securitization participant and an investor in the relevant asset-backed security. As specified in section 621, the proposed rule would provide exceptions for risk-mitigating hedging activities, bona fide market-making activities, and liquidity commitments.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 60320
NPRM Comment Period End.	12/19/11	
NPRM Comment Period Extended.	12/16/11	76 FR 78181
NPRM Comment Period Extended End.	01/13/12	
NPRM Comment Period Extended.	01/03/12	77 FR 24
NPRM Comment Period Extended End.	02/13/12	
Second NPRM	02/14/23	88 FR 9678
Second NPRM Comment Period End.	03/27/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Rolaine Bancroft, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3430.

RIN: 3235-AL04

351. Cybersecurity Risk Governance [3235-AM89]

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 77s(a); 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78w(a); . . .

Abstract: The Division is considering recommending that the Commission adopt rule amendments to better inform investors about a registrant's cybersecurity risk management, strategy and governance, and to provide timely notification of material cybersecurity incidents. The Commission proposed rules to enhance and standardize disclosures regarding cybersecurity risk management, strategy, governance, and cybersecurity incident reporting by public companies that are subject to the reporting requirements of the Exchange Act.

Timetable:

Action	Date	FR Cite
NPRM	03/23/22	87 FR 16590
NPRM Comment Period End.	05/09/22	

Action	Date	FR Cite
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Kwon, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3231, *Email:* kwonc@sec.gov.

RIN: 3235-AM89

352. Rule 14a-8 Amendments [3235-AM91]

Legal Authority: 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 80a-20(a); 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; . . .

Abstract: The Division is considering recommending that the Commission adopt rule amendments regarding shareholder proposals under Rule 14a-8. The Commission proposed to, among other things, update certain substantive bases for exclusion of shareholder proposals under the Commission's shareholder proposal rule. The proposed amendments would amend the substantial implementation exclusion, the duplication exclusion, and the resubmission exclusion.

Timetable:

Action	Date	FR Cite
NPRM	07/27/22	87 FR 45052
NPRM Comment Period End.	09/12/22	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hughes Bates, Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3500, *Email:* batesh@sec.gov.

RIN: 3235-AM91

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance
Completed Actions

353. Listing Standards for Recovery of Erroneously Awarded Compensation [3235-AK99]

Legal Authority: 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 78c(b); 15 U.S.C. 78j-

4; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 80a-20; 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; 15 U.S.C. 78mm

Abstract: The Commission adopted a new rule and rule amendments to implement Section 954 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which added Section 10D to the Securities Exchange Act of 1934. In accordance with Section 10D of the Exchange Act, the final rules direct the national securities exchanges and associations that list securities to establish listing standards that require each issuer to develop and implement a policy providing for the recovery, in the event of a required accounting restatement, of incentive-based compensation received by current or former executive officers where that compensation is based on the erroneously reported financial information. The listing standards must also require the disclosure of the policy. Additionally, the final rules require a listed issuer to file the policy as an exhibit to its annual report and to include other disclosures in the event a recovery analysis is triggered under the policy.

Timetable:

Action	Date	FR Cite
NPRM	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	
NPRM Comment Period Re-opened.	10/21/21	86 FR 58232
NPRM Comment Period End.	11/22/21	
NPRM Comment Period Re-opened.	06/14/22	87 FR 35938
NPRM Comment Period End.	07/14/22	
Final Action	11/28/22	87 FR 73076
Final Action Effective.	01/27/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3500, *Email:* krauskopf@sec.gov.

RIN: 3235-AK99

354. Insider Trading Arrangements and Related Disclosures [3235-AM86]

Legal Authority: 15 U.S.C. 77c(b); 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77q; 15 U.S.C. 77s(a); 15 U.S.C. 77z-3; 15 U.S.C. 78c; 15 U.S.C. 78i; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(d); 15 U.S.C. 78t-1; 15 U.S.C. 78u-

1; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 80a-8; 15 U.S.C. 80a-20(a); 15 U.S.C. 80a-24(a); 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; 15 U.S.C. 7264; . . .

Abstract: The Commission adopted amendments to the rule under the Securities Exchange Act of 1934 that provides affirmative defenses to trading on the basis of material nonpublic information in insider trading cases. The amendments add new conditions to this rule that are designed to address concerns about abuse of the rule to trade securities opportunistically on the basis of material nonpublic information in ways that harm investors and undermine the integrity of the securities markets. The Commission also adopted new disclosure requirements regarding the insider trading policies and procedures of issuers, the adoption and termination (including modification) of plans that are intended to meet the rule's conditions for establishing an affirmative defense, and certain other similar trading arrangements by directors and officers. In addition, the Commission adopted amendments to the disclosure requirements for director and executive compensation regarding equity compensation awards made close in time to the issuer's disclosure of material nonpublic information. Finally, the Commission adopted amendments to Forms 4 and 5 to require filers to identify transactions made pursuant to a plan intended to meet the rule's conditions for establishing an affirmative defense, and to require disclosure of bona fide gifts of securities on Form 4.

Timetable:

Action	Date	FR Cite
NPRM	02/15/22	87 FR 8686
NPRM Comment Period End.	04/01/22	
Final Action	12/29/22	87 FR 80362
Final Action Effective.	02/27/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Noel Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3249, *Email:* harrisons@sec.gov.

RIN: 3235-AM86

355. Share Repurchase Disclosure Modernization [3235-AM94]

Legal Authority: 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w(a); 15 U.S.C. 80a-8; 15 U.S.C. 80a-23; 15 U.S.C. 80a-24; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3),

5461 *et seq.*; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77k; 15 U.S.C. 77s; 15 U.S.C. 77s(a); 15 U.S.C. 77z–2; 15 U.S.C. 77z–3; 15 U.S.C. 77aa(25); 15 U.S.C. 77aa(26); 15 U.S.C. 77ddd; 15 U.S.C. 77eee; 15 U.S.C. 77ggg; 15 U.S.C. 77hhh; 15 U.S.C. 77iii; 15 U.S.C. 77jjj; 15 U.S.C. 77nnn; 15 U.S.C. 77sss; 15 U.S.C. 77sss(a); 15 U.S.C. 77ttt; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 78c; 15 U.S.C. 78c(b); 15 U.S.C. 78c–3; 15 U.S.C. 78c–5; 15 U.S.C. 78d; 15 U.S.C. 78e; 15 U.S.C. 78f; 15 U.S.C. 78g; 15 U.S.C. 78i; 15 U.S.C. 78j; 15 U.S.C. 78j–1; 15 U.S.C. 78j–3; 15 U.S.C. 78k; 15 U.S.C. 78k–1; 15 U.S.C. 78n–1; 15 U.S.C. 78n; 15 U.S.C. 78o(d); 15 U.S.C. 78o–4; 15 U.S.C. 78o–10; 15 U.S.C. 78p; 15 U.S.C. 78q; 15 U.S.C. 78q–1; 15 U.S.C. 78s; 15 U.S.C. 78u–5; 15 U.S.C. 78w; 15 U.S.C. 78x; 15 U.S.C. 78dd; 15 U.S.C. 78ll; 15 U.S.C. 78mm; 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–9; 15 U.S.C. 80a–20; 15 U.S.C. 80a–26; 15 U.S.C. 80a–31(c); 15 U.S.C. 80a–38(a); 15 U.S.C. 80a–39; 15 U.S.C. 80b–3; 15 U.S.C. 80b–4; 15 U.S.C. 80b–11; 15 U.S.C. 7201 *et seq.*, and 8302; 18 U.S.C. 1350; Sec. 953(b), Pub. L. 111–203, 124 Stat. 1904 (2010); Sec. 102(c), Pub. L. 112–106, 126 Stat. 310 (2012); Pub. L. 111–203, 939A, 124 Stat. 1376 (2010); Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012); Sec. 953(b) Pub. L. 111–203, 124 Stat. 1904; Sec. 102(a)(3) Pub. L. 112–106, 126 Stat. 309 (2012); Sec. 107 Pub. L. 112–106, 126 Stat. 313 (2012); Sec. 72001 Pub. L. 114–94, 129 Stat. 1312 (2015); Secs. 2 and 3 Pub. L. 116–222, 134 Stat. 1063 (2020); unless otherwise noted; . . .

Abstract: The Commission adopted amendments to modernize and improve disclosure about repurchases of an issuer's equity securities that are registered under the Securities Exchange Act of 1934. The amendments require additional detail regarding the structure of an issuer's repurchase program and its share repurchases, require the filing of daily quantitative repurchase data either quarterly or semiannually, and eliminate the requirement to file monthly repurchase data in an issuer's periodic reports. The amendments also revise and expand the existing periodic disclosure requirements about these repurchases. Finally, the amendments add new quarterly disclosure in certain periodic reports related to an issuer's adoption and termination of certain trading arrangements.

Timetable:

Action	Date	FR Cite
NPRM	02/15/22	87 FR 8443

Action	Date	FR Cite
NPRM Comment Period End.	04/01/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
NPRM Comment Period Re-opened.	12/12/22	87 FR 75975
NPRM Comment Period End.	01/11/23	
Final Action	06/01/23	88 FR 36002
Final Action Effective.	07/31/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301, Phone: 202 551–3809, Email: greenm@sec.gov.

RIN: 3235–AM94

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

356. Safeguarding Advisory Client Assets [3235–AM32]

Legal Authority: 15 U.S.C. 80b–4; 15 U.S.C. 80b–6(4); 15 U.S.C. 80b–11(a); 15 U.S.C. 80b–3(c)(1); 15 U.S.C. 80b–18b; 15 U.S.C. 80b–11; 15 U.S.C. 80b–23

Abstract: The Division is considering recommending that the Commission adopt amendments to existing rules and/or adopt new rules under the Investment Advisers Act of 1940 to improve and modernize the regulations around the custody of funds or investments of clients by Investment Advisers.

Timetable:

Action	Date	FR Cite
NPRM	03/09/23	88 FR 14672
NPRM Comment Period End.	05/08/23	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Harke, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6722, Email: harkem@sec.gov.

RIN: 3235–AM32

357. Investment Company Names [3235–AM72]

Legal Authority: 15 U.S.C. 80a–8; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–33; 15 U.S.C. 80a–34; 15 U.S.C. 80a–37; 15 U.S.C. 80a–58; 15 U.S.C. 80a–63; 15 U.S.C. 80a–18; 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g(a); 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 78j; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; 15 U.S.C. 78ll; . . .

Abstract: The Division is considering recommending that the Commission adopt amendments to Investment Company Act rule 35d–1, which applies to names used by registered investment companies. The Commission proposed to amend the rule that addresses certain broad categories of investment company names that are likely to mislead investors about an investment company's investments and risks. The proposed amendments to this rule are designed to increase investor protection by improving and clarifying the requirement for certain funds to adopt a policy to invest at least 80% of their assets in accordance with the investment focus that the fund's name suggests, updating the rule's notice requirements, and establishing recordkeeping requirements. The Commission also proposed enhanced prospectus disclosure requirements for terminology used in fund names, and additional requirements for funds to report information on Form N–PORT regarding compliance with the proposed names-related regulatory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/20	85 FR 13221
ANPRM Comment Period End.	05/05/20	
NPRM	06/17/22	87 FR 36594
NPRM Comment Period End.	08/16/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Kosoff, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6754, Email: kosoffm@sec.gov.

RIN: 3235–AM72

358. Enhanced Disclosures by Certain Investment Advisers and Investment Companies About Environmental, Social, and Governance Investment Practices [3235-AM96]

Legal Authority: 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; 15 U.S.C. 78ll; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; 15 U.S.C. 80b-3; 15 U.S.C. 80b-4; 15 U.S.C. 80b-11; 44 U.S.C. 3506 and 3507; . . .

Abstract: The Division is considering recommending that the Commission adopt requirements for investment companies and investment advisers related to environmental, social and governance (ESG) factors, including ESG claims and related disclosures. Among other things, the Commission proposed to amend rules and forms under both the Investment Advisers Act of 1940 and the Investment Company Act of 1940 to require registered investment advisers, certain advisers that are exempt from registration, registered investment companies, and business development companies, to provide additional information regarding their ESG investment practices. The proposed amendments to these forms and associated rules seek to facilitate enhanced disclosure of ESG issues to clients and shareholders. The proposed rules and form amendments are designed to create a consistent, comparable, and decision-useful regulatory framework for ESG advisory services and investment companies to inform and protect investors while facilitating further innovation in this evolving area of the asset management industry.

Timetable:

Action	Date	FR Cite
NPRM	06/17/22	87 FR 36654
NPRM Comment Period End.	08/16/22	
NPRM Comment Period Re-opened.	10/18/22	87 FR 63016
NPRM Comment Period End.	11/01/22	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nathan Schurr, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6394, Email: schuurna@sec.gov.

RIN: 3235-AM96

359. Open-End Fund Liquidity Risk Management Programs and Swing Pricing; Form N-PORT Reporting [3235-AM98]

Legal Authority: 15 U.S.C. 80a-22(c); 15 U.S.C. 80a-37(a); 15 U.S.C. 80a-31(a); 15 U.S.C. 80a-35b; 15 U.S.C. 80a-6; 15 U.S.C. 80a-8; 15 U.S.C. 80a-22; 15 U.S.C. 80a-24; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-33; 15 U.S.C. 80a-37; 15 U.S.C. 80a-44; 15 U.S.C. 80b-6; 15 U.S.C. 78j; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; 15 U.S.C. 78ll; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77q; 15 U.S.C. 77s; 15 U.S.C. 77sss; 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Division is considering recommending that the Commission adopt changes to regulatory requirements relating to open-end fund's liquidity and dilution management. The Commission proposed amendments to its current rules for open-end management investment companies ("open-end funds") regarding liquidity risk management programs and swing pricing. The proposed amendments are designed to improve liquidity risk management programs to better prepare funds for stressed conditions and improve transparency in liquidity classifications. The amendments are also designed to mitigate dilution of shareholders' interests in a fund by requiring any open-end fund, other than a money market fund or exchange-traded fund, to use swing pricing to adjust a fund's net asset value ("NAV") per share to pass on costs stemming from shareholder purchase or redemption activity to the shareholders engaged in that activity. In addition, to help operationalize the proposed swing pricing requirement, and to improve order processing more generally, the Commission proposed a "hard close" requirement for these funds. Finally, the Commission proposed amendments to reporting and disclosure requirements on Forms N-PORT, N-1A, and N-CEN that apply to certain registered investment companies, including registered open-end funds (other than money market funds), registered closed-end funds, and unit investment trusts. The proposed amendments would require more frequent reporting of monthly portfolio holdings and related information to the Commission and the public, amend certain reported identifiers, and make other amendments to require additional information about funds' liquidity risk management and use of swing pricing.

Timetable:

Action	Date	FR Cite
NPRM	12/16/22	87 FR 77172
NPRM Comment Period End.	02/14/23	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mykaila DeLesDernier, Senior Counsel, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-5129, Email: delesdernierm@sec.gov.

RIN: 3235-AM98

360. Private Fund Advisers; Documentation of Registered Investment Adviser Compliance Reviews [3235-AN07]

Legal Authority: 15 U.S.C. 80b-3(d); 15 U.S.C. 80b-6(4); 15 U.S.C. 80b-11(a); 15 U.S.C. 80b-11(h); 15 U.S.C. 80b-4; 15 U.S.C. 80b-11

Abstract: The Division is considering recommending that the Commission adopt rules under the Advisers Act to address lack of transparency, conflicts of interest, and certain other matters involving private fund advisers.

Timetable:

Action	Date	FR Cite
NPRM	03/24/22	87 FR 16886
NPRM Comment Period End.	04/25/22	
NPRM Comment Period Re-opened.	05/12/22	87 FR 29059
NPRM Comment Period End.	06/13/22	
Final Action	10/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Harke, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6722, Email: harkem@sec.gov.

RIN: 3235-AN07

361. Cybersecurity Risk Management for Investment Advisers, Registered Investment Companies, and Business Development Companies [3235-AN08]

Legal Authority: 15 U.S.C. 80a-30(a); 15 U.S.C. 80a-37(a); 15 U.S.C. 80b-4; 15 U.S.C. 80b-11; 15 U.S.C. 80b-3(d); 15 U.S.C. 80b-6(4); 15 U.S.C. 80b-11(a); 15 U.S.C. 80b-11(h); 15 U.S.C. 80a-8; 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; 15 U.S.C. 80b-3(c)(1)

Abstract: The Division is considering recommending that the Commission adopt rules to enhance fund and

investment adviser disclosures and governance relating to cybersecurity risks. The Commission proposed new rules to require registered investment advisers (advisers”) and investment companies (funds”) to adopt and implement written cybersecurity policies and procedures reasonably designed to address cybersecurity risks. The Commission also proposed a new rule and form under the Advisers Act to require advisers to report significant cybersecurity incidents affecting the adviser, or its fund or private fund clients, to the Commission. With respect to disclosure, the Commission proposed amendments to various forms regarding the disclosure related to significant cybersecurity risks and cybersecurity incidents that affect advisers and funds and their clients and shareholders. Finally, the Commission proposed new recordkeeping requirements under the Advisers Act and Investment Company Act.

Timetable:

Action	Date	FR Cite
NPRM	03/09/22	87 FR 13524
NPRM Comment Period End.	04/11/22	
NPRM Comment Period Re-opened.	03/21/23	88 FR 16921
NPRM Comment Period End.	05/22/23	
Final Action	10/00/23	

Regulatory Flexibility Analysis
Required: Yes.
Agency Contact: Christopher Staley, Branch Chief, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-8475, *Email:* staley@c@sec.gov.
RIN: 3235-AN08

362. Outsourcing by Investment Advisers [3235-AN18]
Legal Authority: 15 U.S.C. 10b-3; 15 U.S.C. 10b-4; 15 U.S.C. 10b-11; 15 U.S.C. 77s(a); 15 U.S.C. 78w(a); 15 U.S.C. 78bb(e)(2); 15 U.S.C. 7sss(a); 15 U.S.C. 80a-37(a)
Abstract: The Division is considering recommending that the Commission adopt rules related to the oversight of third-party service providers. The Commission proposed a new rule under the Investment Advisers Act of 1940 to prohibit registered investment advisers (“advisers”) from outsourcing certain services or functions without first meeting minimum requirements. The proposed rule would require advisers to conduct due diligence prior to engaging a service provider to perform certain services or functions. It would further require advisers to periodically monitor

the performance and reassess the retention of the service provider in accordance with due diligence requirements to reasonably determine that it is appropriate to continue to outsource those services or functions to that service provider. The Commission also proposed corresponding amendments to the investment adviser registration form to collect census-type information about the service providers defined in the proposed rule. In addition, the Commission proposed related amendments to the Advisers Act books and records rule, including a new provision requiring advisers that rely on a third party to make and/or keep books and records to conduct due diligence and monitoring of that third party and obtain certain reasonable assurances that the third party will meet certain standards.
Timetable:

Action	Date	FR Cite
NPRM	11/16/22	87 FR 68816
NPRM Comment Period End.	12/27/22	
Final Action	04/00/24	

Regulatory Flexibility Analysis
Required: Yes.
Agency Contact: Mark Stewart, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-4410, *Email:* stewartm@sec.gov.
RIN: 3235-AN18

363. • Regulation S P: Privacy of Consumer Financial Information and Safeguarding Customer Information [3235-AN26]
Legal Authority: 15 U.S.C. 78q; 15 U.S.C. 78q-1; 15 U.S.C. 78mm; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 15 U.S.C. 80b-4; 15 U.S.C. 80b-4a; 15 U.S.C. 80b-11; 15 U.S.C. 1681w(a); 15 U.S.C. 6801; 15 U.S.C. 6804; 15 U.S.C. 6805; 15 U.S.C. 6825; 15 U.S.C. 78w
Abstract: The Division of Investment Management and Division of Trading and Markets are considering recommending that the Commission adopt amendments to Regulation S-P. The Commission proposed rule amendments that would require brokers and dealers, investment companies and investment advisers registered with the Commission to adopt written policies and procedures for incident response programs to address unauthorized access to or use of customer information, including procedures for providing timely notification to individuals affected by an incident involving sensitive customer information with details about the

incident and information designed to help affected individuals respond appropriately. The Commission also proposed to broaden the scope of information covered by amending requirements for safeguarding customer records and information, and for properly disposing of consumer report information. In addition, the proposed amendments would extend the application of the safeguards provisions to transfer agents. The proposed amendments would also include requirements to maintain written records documenting compliance with the proposed amended rules. Finally, the proposed amendments would conform annual privacy notice delivery provisions to the terms of an exception provided by a statutory amendment to the Gramm-Leach-Bliley Act.
Timetable:

Action	Date	FR Cite
NPRM	04/06/23	88 FR 20616
NPRM Comment Period End.	06/05/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis
Required: Yes.
Agency Contact: Zeena Abdul-Rahman, Senior Counsel, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-4099, *Email:* abdulrahmanz@sec.gov.
RIN: 3235-AN26

SECURITIES AND EXCHANGE COMMISSION (SEC)
Division of Investment Management
Completed Actions
364. Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting on Executive Compensation Votes by Institutional Investment Managers [3235-AK67]
Legal Authority: 15 U.S.C. 78m; 15 U.S.C. 78w; 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 15 U.S.C. 80a-44; 15 U.S.C. 80b-4; 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 77z-3; 15 U.S.C. 78d-1; 15 U.S.C. 78d-2; 15 U.S.C. 78j(b); 15 U.S.C. 78n-1; 15 U.S.C. 78o(d); 15 U.S.C. 78ll; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-29
Abstract: The Commission adopted amendments to Form N-PX under the Investment Company Act of 1940 to enhance the information mutual funds, exchange-traded funds, and certain

other funds currently report about their proxy votes and to make that information easier to analyze. The Commission also adopted rule and form amendments under the Securities Exchange Act of 1934 that would require an institutional investment manager subject to the Exchange Act to report on Form N-PX how it voted proxies relating to executive compensation matters, as required by the Exchange Act. The reporting requirements for institutional investment managers complete implementation of those requirements added by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Second NPRM	10/15/21	86 FR 57478
Second NPRM Comment Period End.	12/14/22	
Final Action	12/22/22	87 FR 78770
Final Action Effective.	07/01/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Nathan Schurr, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6394, Email: schuurna@sec.gov.

RIN: 3235-AK67

365. Tailored Shareholder Reports for Mutual Funds and Exchange-Traded Funds; Fee Information in Investment Company Advertisements [3235-AM52]

Legal Authority: 15 U.S.C. 77e; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 78c(b); 15 U.S.C. 77f; 15 U.S.C. 78j; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78mm; 15 U.S.C. 80a-6; 15 U.S.C. 80a-8; 15 U.S.C. 80a-20; 15 U.S.C. 80a-24; 15 U.S.C. 80a-29; 15 U.S.C. 80a-37; 44 U.S.C. 3506; 44 U.S.C. 3507

Abstract: The Commission adopted rule and form amendments that require open-end management investment companies to transmit concise and visually engaging annual and semi-annual reports to shareholders that highlight key information that is particularly important for retail investors to assess and monitor their fund investments. Certain information that may be more relevant to financial professionals and investors who desire more in-depth information will no longer appear in funds' shareholder reports but will be available online,

delivered free of charge upon request, and filed on a semi-annual basis on Form N-CSR. The amendments exclude open-end management investment companies from the scope of the current rule that generally permits registered investment companies to satisfy shareholder report transmission requirements by making these reports and other materials available online and providing a notice of that availability. The amendments also require that funds tag their reports to shareholders using the Inline eXtensible Business Reporting Language structured data language to provide machine-readable data that retail investors and other market participants may use to more efficiently access and evaluate investments. Finally, the Commission adopted amendments to the advertising rules for registered investment companies and business development companies to promote more transparent and balanced statements about investment costs.

Timetable:

Action	Date	FR Cite
NPRM	11/05/20	85 FR 70716
NPRM Comment Period End.	01/04/21	
Final Action	11/25/22	87 FR 72758
Final Action Effective.	01/24/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael Kosoff, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6754, Email: kosoffm@sec.gov.

RIN: 3235-AM52

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Final Rule Stage

366. Cybersecurity Risk Management Rules For Broker-Dealers, Clearing Agencies, MSBSPS, The MSRB, National Securities Associations, National Securities Exchanges, SBSDRS, SBS Dealers, and Transfer Agents [3235-AN15]

Legal Authority: 15 U.S.C. 77c; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 77z-3; 15 U.S.C. 77sss(a); 15 U.S.C. 78c(b); 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(d); 15 U.S.C. 78o-10; 15 U.S.C. 78w(a); 15 U.S.C. 78ll; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-8; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30;

15 U.S.C. 80a-37; 15 U.S.C. 80b-4; 15 U.S.C. 80b-10; 15 U.S.C. 80b-11; 15 U.S.C. 7201 *et seq.*; 18 U.S.C. 1350; . . .

Abstract: The Division is considering recommending that the Commission adopt amendments to require that market entities address cybersecurity risks, to improve the Commission's ability to obtain information about significant cybersecurity incidents impacting market entities, and to improve transparency about cybersecurity risk in the U.S. securities markets. The Commission proposed a new rule and form and amendments to existing recordkeeping rules to require broker-dealers, clearing agencies, major security-based swap participants, the Municipal Securities Rulemaking Board, national securities associations, national securities exchanges, security-based swap data repositories, security-based swap dealers, and transfer agents to address cybersecurity risks through policies and procedures, immediate notification to the Commission of the occurrence of a significant cybersecurity incident and, as applicable, reporting detailed information to the Commission about a significant cybersecurity incident, and public disclosures that would improve transparency with respect to cybersecurity risks and significant cybersecurity incidents. In addition, the Commission proposed amendments to existing clearing agency exemption orders to require the retention of records that would need to be made under the proposed cybersecurity requirements. Finally, the Commission proposed amendments to address the potential availability to security-based swap dealers and major security-based swap participants of substituted compliance in connection with those requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/05/23	88 FR 20212
NPRM Comment Period End.	06/05/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Nina Kostyukovskyn, Attorney, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-8833, Email: kostyukovskyn@sec.gov.

RIN: 3235-AN15

367. • Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders [3235-AN23]

Legal Authority: 15 U.S.C. 78b; 15 U.S.C. 78c; 15 U.S.C. 78e; 15 U.S.C. 78f;

15 U.S.C. 78k; 15 U.S.C. 78k-1; 15 U.S.C. 78o; 15 U.S.C. 78o-3; 15 U.S.C. 78q; 15 U.S.C. 78s; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Division is considering recommending that the Commission amend certain rules of Regulation National Market System (Regulation NMS) under the Securities Exchange Act of 1934, as amended, to adopt variable minimum pricing increments for the quoting and trading of NMS stocks, reduce the access fee caps, and enhance the transparency of better priced orders.

Timetable:

Action	Date	FR Cite
NPRM	12/29/22	87 FR 80266
NPRM Comment Period End.	03/31/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Riley, Senior Special Counsel, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6772, Email: reileyke@sec.gov.

RIN: 3235-AN23

368. • Regulation Best Execution [3235-AN24]

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 77q(a); 15 U.S.C. 77s(a); 15 U.S.C. 78b; 15 U.S.C. 78c(b); 15 U.S.C. 78e; 15 U.S.C. 78g(c)(2); 15 U.S.C. 78i(a); 15 U.S.C. 78j; 15 U.S.C. 78k-1; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(b); 15 U.S.C. 78o(c); 15 U.S.C. 78o(g); 15 U.S.C. 78o-1; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78x; 15 U.S.C. 78dd-1; 15 U.S.C. 78mm; 15 U.S.C. 80a-23; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; . . .

Abstract: The Division is considering recommending that the Commission adopt new rules under the Securities Exchange Act of 1934 relating to a broker-dealer's duty of best execution. Proposed Regulation Best Execution would enhance the existing regulatory framework concerning the duty of best execution by requiring detailed policies and procedures for all broker-dealers and more robust policies and procedures for broker-dealers engaging

in certain conflicted transactions with retail customers, as well as related review and documentation requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/27/23	88 FR 5440
NPRM Comment Period End.	03/31/23	
Final Action	04/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David R. Dimitriou, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-5131, Email: dimitrioud@sec.gov.

RIN: 3235-AN24

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Completed Actions

369. Electronic Recordkeeping Requirements for Broker-Dealers and Security-Based Swap Dealers and Major Security-Based Swap Participants [3235-AM76]

Legal Authority: 15 U.S.C. 78q; 15 U.S.C. 78o-10(f)(2)

Abstract: The Commission adopted amendments to the recordkeeping rules applicable to broker-dealers, security-based swap dealers, and major security-based swap participants. The amendments modify requirements regarding the maintenance and preservation of electronic records, the use of third-party recordkeeping services to hold records, and the prompt production of records. The Commission also designated broker-dealer examining authorities as Commission designees for purposes of certain provisions of the broker-dealer record maintenance and preservation rule.

Timetable:

Action	Date	FR Cite
NPRM	12/01/21	86 FR 68300
NPRM Comment Period End.	01/03/22	

Action	Date	FR Cite
Final Action	11/03/22	87 FR 66412
Final Action Effective.	01/03/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy Fox, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-5687, Email: foxt@sec.gov.

RIN: 3235-AM76

370. Shortening the Securities Transaction Settlement Cycle [3235-AN02]

Legal Authority: 15 U.S.C. 78o(c)(6); 15 U.S.C. 78q-1; 15 U.S.C. 78w(a); 15 U.S.C. 80b-4; 15 U.S.C. 80b-11; 15 U.S.C. 78ll; . . .

Abstract: The Commission adopted rule amendments to shorten the standard settlement cycle for most broker-dealer transactions from two business days after the trade date ("T+2") to one business day after the trade date ("T+1"). In addition, the Commission adopted new rules related to the processing of institutional trades by broker-dealers and certain clearing agencies. The Commission also amended certain recordkeeping requirements applicable to registered investment advisers.

Timetable:

Action	Date	FR Cite
NPRM	02/24/22	87 FR 10436
NPRM Comment Period End.	04/11/22	
Final Action	03/06/23	88 FR 13872
Final Action Effective.	05/05/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Lee, Assistant Director, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-5794, Email: leemat@sec.gov.

RIN: 3235-AN02

[FR Doc. 2023-14566 Filed 7-26-23; 8:45 am]

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FEDERAL REGISTER

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Part XXVI

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD
49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 54)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.
ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2023.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, sets forth several requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is

likely to have a significant economic impact on a substantial number of small entities.

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings soon. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months but does not necessarily reflect the views of

any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda."

The Chairman is publishing the agency's Regulatory Flexibility Agenda for spring 2023 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: March 22, 2023.

By the Board, Martin J. Oberman.

Jeffrey Herzig,
Clearance Clerk.

SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
371	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140-AB29

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

371. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) [2140-AB29]

Legal Authority: 49 U.S.C. 10502; 49 U.S.C. 13301

Abstract: The Board proposed to revoke the class exemptions for the rail transportation of: (1) crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. On March 19, 2019, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members. By decision served September 30, 2020 (published October 5, 2020), the Board invited public comment on a

new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues. Board staff held technical conferences on the proposed approach on December 18, 2020, and January 15, 2021.

Timetable:

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Request for Further Comment in Rulemaking Proceeding.	10/05/20	85 FR 62689
Comment Period End.	01/29/21	
Reply Comment Period End.	03/01/21	

Action	Date	FR Cite
Next Action Under-terminated.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Ziehm, Branch Chief, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:* 202 245-0391, *Email:* amy.ziehm@stb.gov.

Francis O'Connor, Deputy Director, Office of Economics, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:* 202 245-0331, *Email:* francis.o'connor@stb.gov.

RIN: 2140-AB29

[FR Doc. 2023-14567 Filed 7-26-23; 8:45 am]

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