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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-0932; Project Identifier MCAI-2022-01491-E; Amendment 39-22542; AD 2023-18-01]

RIN 2120-AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021-26-11 for all Rolls-Royce Deutschland Ltd. & Co. KG (RRD) Model RB211-Trent 875-17, 877-17, 884-17, 884B-17, 892-17, 892B-17, and 895-17 engines. AD 2021-26-11 required replacing the affected fuel pump on at least one affected engine. Since the FAA issued AD 2021-26-11, the FAA has determined that replacing all affected fuel pumps on all installed engines is necessary to address the unsafe condition. This AD was prompted by reports of single-engine events caused by water contamination, which led to corrosion on the fuel pump that resulted in loss of engine thrust. This AD requires replacing the affected fuel pump on at least one engine before further flight and replacing all affected fuel pumps within a specified compliance time. This AD would also prohibit installing any affected engine onto any airplane or any affected fuel pump onto any engine, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2023.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of October 30, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0932; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; website: easa.europa.eu.

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0932.

FOR FURTHER INFORMATION CONTACT:

Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7241; email: sungmo.d.cho@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021-26-11, Amendment 39-21870 (86 FR 71367, December 16, 2021), (AD 2021-26-11). AD 2021-26-11 applied to all RRD Model RB211 Trent 875-17, 877-17, 884-17, 884B-17, 892-17, 892B-17, and 895-17 engines. AD 2021-26-11 required replacing the affected fuel pump on at least one affected engine. The FAA issued AD 2021-26-11 to prevent failure of the variable stator vane system.

The NPRM published in the **Federal Register** on April 18, 2023 (88 FR 23583). The NPRM was prompted by EASA AD 2022-0225, dated November 21, 2022 (EASA AD 2022-0225)

(referred to after this as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that reports of single-engine events caused by water contamination resulted in loss of engine thrust. An investigation determined that certain engines were exposed to unacceptable levels of water contamination, which caused corrosion on the fuel pump's internal components. This corrosion led to debris release and filter blockages in variable stator vane actuator control units, which resulted in the variable stator vane system failing in the closed position.

The FAA has since determined that in addition to replacing the affected fuel pump on at least one engine before further flight, replacing all affected fuel pumps installed on all engines within a specified compliance time and prohibiting installation of any affected engine onto any airplane or any affected fuel pump onto any engine is necessary to address the unsafe condition. Subsequently, the manufacturer published service information, which describes procedures for replacing the fuel pump.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0932.

In the NPRM, the FAA proposed to require replacing the affected fuel pump on at least one engine before further flight and replacing all affected fuel pumps within a specified compliance time. In the NPRM, the FAA also proposed to prohibit installation of any affected engine onto any airplane or any affected fuel pump onto any engine.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. The commenters were American Airlines (AA) and The Boeing Company (Boeing). The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the AD

Boeing supported the NPRM without change.

Request To Clarify Return of Affected Parts

AA requested that the FAA clarify whether the intent of the NPRM is for affected pumps to be returned to Eaton Corporation for rectification/ modification to become eligible for installation, or for all affected pumps listed in Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) RB.211-73-AK840, Original Issue, dated Sep 13, 2022 (RB.211-73-AK840), to never be reinstalled on any U.S. registered carrier’s engine or aircraft. AA stated that EASA AD 2022-0225 allows pumps modified by RB.211-73-AK840 to be reinstalled, and since EASA AD 2022-0225 is incorporated by reference, it can be assumed that the NPRM also allows pumps modified by RB.211-73-AK840 to be reinstalled. AA also noted that paragraphs (h)(5) and (6) of the proposed AD do not indicate if an affected pump that is removed from service should be returned to the Eaton Corporation for rectification/ modification. Additionally, AA noted that if an affected pump is not returned to the Eaton Corporation for rectification/modification, it will never be eligible for reinstallation.

The FAA agrees to clarify. The intent of the NPRM is not to require that the affected parts never be reinstalled on any U.S. registered carrier’s engine or aircraft. If an affected part is repaired, it

is no longer considered to be included in the population of affected parts, and, therefore, is eligible for reinstallation. However, the FAA cannot require that an affected part be sent to a specific shop for repair, as that decision is at the discretion of the operator. Operators may elect to return affected fuel pumps that have been removed from service to the vendor, or to an approved facility for repair.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM.

Related Service Information Under 14 CFR Part 51

The FAA reviewed EASA AD 2022-0225, which specifies procedures for

replacing the affected fuel pump. EASA AD 2022-0225 also specifies not to install an affected engine onto any airplane or an affected part onto any engine.

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

Differences Between This AD and the MCAI

Where paragraph (1) of EASA AD 2022-0225 requires replacing the affected part within 30 days after November 17, 2021 (the effective date of EASA AD 2021-0245), this AD requires replacing an affected fuel pump on at least one engine before further flight after the effective date of this AD.

Where paragraphs (3) and (4) of EASA AD 2022-0225 refer to November 17, 2021 (the effective date of EASA AD 2021-0245), this AD requires using the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 2 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace fuel pump	9 work-hours × \$85 per hour = \$765	\$138,456	\$139,221	\$278,442

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive 2021-26-11, Amendment 39-21870 (86 FR 71367, December 16, 2021); and

■ b. Adding the following new airworthiness directive:

2023–18–01 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22542; Docket No. FAA–2023–0932; Project Identifier MCAI–2022–01491–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 30, 2023.

(b) Affected ADs

This AD replaces AD 2021–26–11, Amendment 39–21870 (86 FR 71367, December 16, 2021).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd. & Co. KG Model RB211–Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7314, Engine Fuel Pump.

(e) Unsafe Condition

This AD was prompted by reports of single-engine events caused by water contamination, which led to corrosion on the fuel pump that resulted in loss of engine thrust. The FAA is issuing this AD to prevent failure of the variable stator vane system. The unsafe condition, if not addressed, could result in dual-engine loss of thrust control or in-flight engine shutdown, and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0225, dated November 21, 2022 (EASA AD 2022–0225).

(h) Exceptions to EASA AD 2022–0225

(1) Where paragraph (1) of EASA AD 2022–0225 specifies to replace the affected part with a fuel pump that is not an affected part, on at least one of the affected engines within 30 days after 17 November 2021 (the effective date of EASA AD 2021–0245), this AD requires replacing an affected fuel pump on at least one engine before further flight after the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2022–0225 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraphs (3) and (4) of EASA AD 2022–0225 refer to November 17, 2021 (the effective date of EASA AD 2021–0245), this AD requires using the effective date of this AD.

(4) This AD does not adopt the Remarks paragraph of EASA AD 2022–0225.

(5) Where the service information referenced in EASA AD 2022–0225 specifies to scrap fuel pumps, this AD requires removing those fuel pumps from service.

(6) Where the service information referenced in EASA AD 2022–0225 specifies to return fuel pumps, this AD requires removing those fuel pumps from service.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0225 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD and email to: ANE-AD-AMOC@faa.gov.

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

(k) Additional Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7241; email: sungmo.d.cho@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0225, dated November 21, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0225, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 September 19, 2023.

Victor Wicklund,

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

[FR Doc. 2023–20635 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1210; Project Identifier MCAI–2022–01530–E; Amendment 39–22546; AD 2023–18–05]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model RB211–535C–37 engines. This AD is prompted by the manufacturer revising the existing engine time limits manual (TLM) to introduce new or more restrictive airworthiness limitations and associated thresholds and intervals for life-limited parts. This AD requires revising the airworthiness limitations section (ALS) of the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2023.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 30, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2023–1210; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For the EASA AD identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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-2023-1210.

FOR FURTHER INFORMATION CONTACT:

Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238-7241; email: sungmo.d.cho@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all RRD Model RB211-535C-37 engines. The NPRM published in the **Federal Register** on June 13, 2023 (88 FR 38409). The NPRM was prompted by AD 2022-0236, dated December 1, 2022 (EASA AD 2022-0236) (also referred to after this as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that the ALS for RB211-535C-37 engines, which is

approved by EASA, is defined and published in TLM T-211(535)-5RR, and that these airworthiness limitations have been identified as mandatory for continued airworthiness. The MCAI also states that the manufacturer published a revised engine TLM to introduce new or more restrictive instructions and associated thresholds and intervals for life-limited parts.

In the NPRM, the FAA proposed to require revising the ALS of the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts, which are specified in EASA AD 2022-0236, described previously, except for any differences identified as exceptions in the regulatory text of this AD. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA-2023-1210.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from The Boeing Company, who supported the NPRM without change.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified

the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2022-0236, which specifies procedures for operators to revise the ALS of their existing approved engine maintenance or inspection program to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts described in the revised engine TLM, as applicable to each engine model. EASA AD 2022-0236 also describes actions for replacing life-limited parts, performing maintenance tasks, and performing corrective actions for any finding of discrepancy as referenced in the engine TLM.

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

Costs of Compliance

The FAA estimates that this AD affects 2 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise ALS of the operator's existing approved engine maintenance or inspection program.	1 work-hour × \$85 per hour = \$85.	\$0	\$85	\$170

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing

regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023–18–05 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22546; Docket No. FAA–2023–1210; Project Identifier MCAI–2022–01530–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 30, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model RB211–535C–37 engines.

(d) Subject

Joint Aircraft Service Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the engine time limits manual (TLM) to introduce new or more restrictive instructions and associated thresholds and intervals for life-limited parts. The FAA is issuing this AD to prevent failure of life-limited parts. The unsafe condition, if not addressed, could result in uncontained release of a critical part, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0236, dated December 1, 2022 (EASA AD 2022–0236).

(h) Exceptions to EASA AD 2022–0236

(1) Where EASA AD 2022–0236 defines the AMP as the approved Aircraft Maintenance Programme containing the tasks on the basis of which the scheduled maintenance is

conducted to ensure the continuing airworthiness of each operated engine, this AD defines the AMP as the aircraft maintenance program containing the tasks on the basis of which the scheduled maintenance is conducted to ensure the continuing airworthiness of each operated airplane.

(2) Where EASA AD 2022–0236 refers to its effective date, this AD requires using the effective date of this AD.

(3) This AD does not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2022–0236.

(4) Where paragraph (3) of EASA AD 2022–0236 specifies revising the approved AMP within 12 months after the effective date of EASA AD 2022–0236, this AD requires revising the airworthiness limitations section of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(5) This AD does not adopt the Remarks paragraph of EASA AD 2022–0236.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022–0236.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety 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 certification branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: ANE-AD-AMOC@faa.gov.

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

(k) Additional Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7241; email: sungmo.d.cho@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency AD 2022–0236, dated December 1, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0236, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000;

email: ADs@easa.europa.eu; website: easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 September 7, 2023.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2023–20672 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2023–1217; Project Identifier MCAI–2023–00477–T; Amendment 39–22551; AD 2023–19–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–200 series; A330–200 Freighter series; A330–300 series; A330–800 series; A330–900 series; A340–200 series; and A340–300 series airplanes. This AD was prompted by reports of cracks found in the scroll housing assembly of Honeywell GTCP331–350 auxiliary power units (APUs). This AD requires replacing each affected APU or re-identifying certain APU scroll housing assemblies, and prohibits the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 30, 2023.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 30, 2023.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1217; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

- For Honeywell service information incorporated by reference in this AD, contact Honeywell International, Inc., 111 South 34th Street, Phoenix, AZ 85034; phone: (800) 601–3099; fax: (602) 365–5577; website: myaerospace.honeywell.com/wps/portal.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1217.

FOR FURTHER INFORMATION CONTACT:

Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email Timothy.P.Dowling@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model 330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841, –941, and –743L airplanes, and Model A340–211, –212, –213, –311, –312, and –313 airplanes. Model A330–743L airplanes

are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The NPRM published in the **Federal Register** on June 20, 2023 (88 FR 39796). The NPRM was prompted by AD 2023–0056, dated March 16, 2023, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2023–0056) (also referred to as the MCAI). The MCAI states that cracks were found in the scroll housing assembly of Honeywell GTCP331–350 APUs.

In the NPRM, the FAA proposed to require replacing each affected APU or re-identifying certain APU scroll housing assemblies, as specified in EASA AD 2023–0056. The NPRM also proposed to prohibit the installation of affected parts under certain conditions. The FAA is issuing this AD to address cracks in the scroll housing assembly of Honeywell GTCP331–350 APUs. The unsafe condition, if not addressed, could result in hot air leakage and consequent damage to the APU compartment and loss of the APU doors, possibly resulting in damage to the airplane.

Since EASA AD 2023–0056 was issued and the FAA NPRM was published, EASA determined that a letter, which is part of an APU's serial number, is used only to identify the manufacturing facility of the APU and has no meaning in relation to the EASA AD 2023–0056 required actions. Therefore, EASA issued AD 2023–0158, dated August 2, 2023 (EASA AD 2023–0158), which supersedes EASA AD 2023–0056 but retains the requirements of EASA AD 2023–0056. EASA AD 2023–0158 only revises the definition of “affected APU” to disregard any letter included in the APU serial number.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1217.

Discussion of Final Airworthiness Directive

Comments

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

Additional Changes Made to This AD

Since the NPRM was published, EASA AD 2023–0056 was superseded by EASA AD 2023–0158. The FAA has updated this final rule accordingly by replacing EASA AD 2023–0056 with EASA AD 2023–0158 in all affected paragraphs.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2023–0158 specifies procedures for replacing each affected APU or re-identifying certain APU scroll housing assemblies (those having part number (P/N) 5053–181–001–501 or P/N 0331207990 and “SR–1” next to the part number marking). EASA AD 2023–0158 also prohibits the installation of affected parts under certain conditions.

Honeywell Service Bulletin 5053–181–49–7895, dated July 21, 2006, specifies procedures for, among other actions, re-identifying affected APU scroll housing assemblies. While Honeywell distributes this document, Aeronamic develops the technical content.

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

Costs of Compliance

The FAA estimates that this AD affects 128 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 18 work-hours × \$85 per hour = Up to \$1,530 (replace APU) ..	\$1,612,820	Up to \$1,614,350	(*)
Up to 20 work-hours × \$85 per hour = Up to \$1,700 (re-identify APU scroll housing assembly).	3,141	Up to \$4,841	(*)

* Operators have the option to replace the APU or re-identify the APU scroll housing assembly. The FAA has no definitive data on which to provide a total cost estimate for U.S. operators for the required actions specified in this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a "significant regulatory action" under Executive Order 12866,
 (2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023-19-01 Airbus SAS: Amendment 39-22551; Docket No. FAA-2023-1217; Project Identifier MCAI-2023-00477-T.

(a) Effective Date

This airworthiness directive (AD) is effective October 30, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes specified in paragraphs (c)(1) through (7) of this AD, certificated in any category.

(1) Model A330-201, -202, -203, -223, and -243 airplanes.

(2) Model A330-223F and -243F airplanes.

(3) Model A330-301, -302, -303, -321, -322, -323, -341, -342, and -343 airplanes.

(4) Model A330-841 airplanes.

(5) Model A330-941 airplanes.

(6) Model A340-211, -212, and -213 airplanes.

(7) Model A340-311, -312, and -313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 49, Airborne auxiliary power.

(e) Unsafe Condition

This AD was prompted by reports of cracks found in the scroll housing assembly of Honeywell GTCP331-350 auxiliary power units (APUs). The FAA is issuing this AD to address such cracks. The unsafe condition, if not addressed, could result in hot air leakage and consequent damage to the APU compartment and loss of the APU doors, possibly resulting in damage to the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in

accordance with, European Union Aviation Safety Agency (EASA) AD 2023-0158, dated August 2, 2023 (EASA AD 2023-0158).

(h) Exceptions to EASA AD 2023-0158

(1) Where EASA AD 2023-0158 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2023-0158 refers to the effective date of EASA AD 2023-0056, this AD requires using the effective date of this AD.

(3) This AD does not adopt the "Remarks" section of EASA AD 2023-0158.

(4) Where EASA AD 2023-0158 specifies to re-identify an SR-1 affected part "in accordance with the instructions of the SB," for this AD, operators must use Honeywell Service Bulletin 5053-181-49-7895, dated July 21, 2006.

Note 1 to paragraph (h)(4): Honeywell distributes this document; Aeronamic develops the technical content.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email Timothy.P.Dowling@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0158, dated August 2, 2023.

(ii) Honeywell Service Bulletin 5053–181–49–7895, dated July 21, 2006.

(3) For EASA AD 2023–0158, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this EASA AD on the EASA website at ad.easa.europa.eu.

(4) For Honeywell service information incorporated by reference in this AD, contact Honeywell International, Inc., 111 South 34th Street, Phoenix, AZ 85034; phone: (800) 601–3099; fax: (602) 365–5577; website: myaerospace.honeywell.com/wps/portal.

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

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

Issued on September 18, 2023.

Victor Wicklund,

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

[FR Doc. 2023–20646 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2023–0534; Airspace Docket No. 21–AWP–52]

RIN 2120–AA66

Amendment of V–388 Near Paradise, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Very High Frequency Omnidirectional Range (VOR) Federal airway V–388 between the Paradise, CA (PDZ), VOR/Tactical Air Navigation (VORTAC) and the Palm Springs, CA (PSP), VORTAC navigational aids.

DATES: Effective date 0901 UTC, November 30, 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 7400.11H, 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.

History

The FAA published a NPRM for Docket No. FAA 2023–0534 in the **Federal Register** (88 FR 21546; April 11, 2023), proposing to amend VOR Federal airway V–388. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Incorporation by Reference

VOR Federal airways are published in paragraph 6010 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 7400.11H, dated August 11, 2022, and effective September 15, 2023. FAA Order JO 7400.11H 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 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by amending VOR Federal airway V–388. The VOR Route amendment action is described below.

V–388: As amended, V–388 extends between the Seal Beach, CA (SLI), VORTAC and the Palm Springs, CA (PSP), VORTAC.

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 the action amending VOR Federal airway V-388 near Paradise, CA 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).

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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-388 [Amended]

From Seal Beach, CA; INT Seal Beach 073° and Pomona, CA, 202° radials; INT Pomona 202° and Paradise, CA, 285° radials; Paradise; INT Paradise, CA, 087° and Palm Springs, CA, 287° radials; to Palm Springs, CA.

* * * * *

Issued in Washington, DC, on September 19, 2023.

Karen L. Chiodini,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2023-20626 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

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

RIN 2120-AA66

Revocation of VOR Federal Airway V-314; Maine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: Effective date 0901 UTC, November 30, 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 JO Order 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 7400.11H, 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:

Brian Vidis, 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 modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA-2023-0215 in the **Federal Register** (88 FR 8241; February 8, 2023), removing VOR Federal airway V-314. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Incorporation by Reference

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends

the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the ADDRESSES section of this document. This amendment will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11H 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 removing VOR Federal airway V-314 in Maine. This action is necessary because NAV CANADA has cancelled the connecting route segments in Canada. As a result, only a short segment of V-314, extending between the Millinocket, ME (MLT), VOR/Distance Measuring Equipment (VOR/DME) and the United States-Canadian border remains. The FAA determined that the remaining route is not required for navigation or ATC purposes.

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 removing VOR Federal airway V-314 in Maine 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 5-6.5b, 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 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 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 part 71 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V-314 [Removed]

* * * * *

Issued in Washington, DC, on September 19, 2023.

Karen L. Chiodini,

Acting Manager, Airspace Rules and Regulations Group.

[FR Doc. 2023-20611 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-0687; Airspace Docket No. 22-AEA-16]

RIN 2120-AA66

Establishment of Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes four low altitude United States Area Navigation (RNAV) routes (T-routes) in support of the Very High Frequency (VHF) Omnidirectional Range (VOR) Minimum Operational Network (MON) Program. The purpose is to expand the availability of the enroute structure and provide additional RNAV routing within the National Airspace System (NAS) in support of transitioning it from ground-based to satellite-based navigation.

DATES: Effective date 0901 UTC, November 30, 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 7400.11H, 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: Brian Vidis, 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 will expand the availability of RNAV routing in the eastern United States and improve the efficient flow of air traffic within the NAS by lessening the dependency on ground-based navigation.

History

The FAA published a NPRM for Docket No. FAA-2023-0687 in the **Federal Register** (88 FR 21135; April 10, 2023), proposing to establish 4 low-altitude RNAV routes in support of transitioning the NAS from a ground-based to a satellite-based navigation. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

Subsequent to the NPRM, Air Traffic Control (ATC) requested to replace the Roanoke, VA (ROA), VOR/Distance Measuring Equipment (VOR/DME) route point with the DBRAH, VA, waypoint (WP) in new route T-479. The DBRAH, VA, WP is located approximately 320 feet southeast of the Roanoke, VA (ROA), VOR/DME and would not substantively alter the proposed route. Therefore, this action includes DBRAH, VA, WP in new route T-479 instead of the Roanoke, VA (ROA), VOR/DME route point.

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 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H 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 7400.11H 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 4 low-altitude RNAV T-routes in the eastern United States to support the VOR MON Program and the transition of the NAS from ground-based navigation to satellite-based navigation. The routes are described below.

T-447: T-447 is a new route that extends between the Smyrna, DE (ENO), VOR/Tactical Air Navigation (VORTAC) and the DLMAR, PA, WP. The route overlays RNAV route T-356 between the APEER, MD, WP and the FOLEZ, PA, WP; VOR Federal airway V-408 between the Pottstown, PA (PTW), VORTAC and the East Texas, PA (ETX), VOR/DME; and VOR Federal airway V-164 between the East Texas, PA (ETX), VOR/DME and the Stonyfork, PA (SFK), VOR/DME.

T-449: T-449 is a new route that extends between the KITHE, PA, Fix and the Binghamton, NY (CFB), VOR/DME. The route overlays VOR Federal airway V-499.

T-460: T-460 is a new route that extends between the Philipsburg, PA (PSB), VORTAC and the GLYDE, MA, Fix. The route overlays VOR Federal airway V-576 between the Philipsburg, PA (PSB), VORTAC and the Hancock, NY (HNC), VOR/DME, and VOR Federal airway V-292 between the Hancock, NY (HNC), VOR/DME and the GLYDE, MA, Fix.

T-479: T-479 is a new route that extends between the DNVIL, VA, WP and the Elkins, WV (EKN), VORTAC. The route overlays VOR Federal airway V-258 between the DNVIL, VA, WP that is being established 0.4 nautical miles southeast of the Danville, VA (DAN), VOR and the DBRAH, VA, WP; and VOR Federal airway V-103 between the DBRAH, VA, WP and the Elkins, WV (EKN), VORTAC.

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 routes T-447, T-449, T-460, and T-479 in the eastern United States, to provide additional RNAV routing within the NAS in support of transitioning it from ground-based to satellite-based navigation, 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 5-6.5b, 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. 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).

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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and

effective September 15, 2023, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-447 Smyrna, DE (ENO) to DLMAR, PA [New]

Smyrna, DE (ENO)	VORTAC	(Lat. 39°13'53.93" N, long. 075°30'57.49" W)
CHAZR, DE	WP	(Lat. 39°29'28.14" N, long. 075°44'28.13" W)
APEER, MD	WP	(Lat. 39°37'32.94" N, long. 075°50'25.39" W)
REESY, PA	WP	(Lat. 39°45'27.94" N, long. 075°52'07.09" W)
FOLEZ, PA	WP	(Lat. 39°55'32.76" N, long. 075°49'16.49" W)
HOSKR, PA	WP	(Lat. 40°05'03.94" N, long. 075°32'56.13" W)
Pottstown, PA (PTW)	VORTAC	(Lat. 40°13'20.04" N, long. 075°33'36.90" W)
East Texas, PA (ETX)	VOR/DME	(Lat. 40°34'51.74" N, long. 075°41'02.51" W)
DIANO, PA	FIX	(Lat. 41°00'01.99" N, long. 076°13'33.78" W)
Williamsport, PA (FQM)	VOR/DME	(Lat. 41°20'18.81" N, long. 076°46'29.52" W)
DLMAR, PA	WP	(Lat. 41°41'42.56" N, long. 077°25'11.02" W)

T-449 KITHE, PA to Binghamton, NY (CFB) [New]

KITHE, PA	FIX	(Lat. 39°48'35.53" N, long. 076°17'48.12" W)
Lancaster, PA (LRP)	VOR/DME	(Lat. 40°07'11.91" N, long. 076°17'28.66" W)
Binghamton, NY (CFB)	VOR/DME	(Lat. 42°09'26.97" N, long. 076°08'11.30" W)

T-460 Philipsburg, PA (PSB) to GLYDE, MA [New]

Philipsburg, PA (PSB)	VORTAC	(Lat. 40°54'58.53" N, long. 077°59'33.78" W)
Williamsport, PA (FQM)	VOR/DME	(Lat. 41°20'18.81" N, long. 076°46'29.52" W)
Hancock, NY (HNC)	VOR/DME	(Lat. 42°03'47.01" N, long. 075°18'58.62" W)
SAGES, NY	FIX	(Lat. 42°02'46.33" N, long. 074°19'10.33" W)
Barnes, MA (BAF)	VORTAC	(Lat. 42°09'43.05" N, long. 072°42'58.32" W)
GLYDE, MA	FIX	(Lat. 42°16'03.84" N, long. 071°48'42.76" W)

* * * * *

T-479 DNVIL, VA to Elkins, WV (EKN) [New]

DNVIL, VA	WP	(Lat. 36°33'49.53" N, long. 079°19'53.54" W)
PIGGS, VA	FIX	(Lat. 36°56'01.81" N, long. 079°42'40.61" W)
DBRAH, VA	WP	(Lat. 37°20'34.14" N, long. 080°04'10.75" W)
Elkins, WV (EKN)	VORTAC	(Lat. 38°54'51.97" N, long. 080°05'57.38" W)

* * * * *

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

Karen L. Chiodini,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2023–20613 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0173; Airspace Docket No. 19–AAL–59]

RIN 2120–AA66

Amendment of United States Area Navigation (RNAV) Route T-223; Cape Newenham, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T-223 in the vicinity of Cape Newenham, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 30, 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 7400.11H, 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 by lessening the dependency on ground-based navigation.

History

The FAA published a NPRM for Docket No. FAA–2022–0173 in the **Federal Register** (87 FR 14190; March 14, 2022), proposing to amend RNAV route T–223 in the vicinity of Cape Newenham, 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.

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 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H 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 7400.11H 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-223 in the vicinity of Cape Newenham, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The amendment is described below.

T-223: T-223 extends between the Cape Newenham, AK (EHM), Nondirectional Radio Beacon/Distance Measuring Equipment (NDB/DME) and the Anchorage, AK (TED), Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) navigational aids. This action amends the route by replacing the Cape Newenham, AK (EHM), NDB/DME with the new ZIKNI, AK, waypoint (WP). Additionally, the NONDA, AK, Fix is removed from the route description as it is not required to retain the route’s structure; however, it will remain in the National Airspace System Resource database and continue to be depicted on the Instrument Flight Rules (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 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 airspace action of amending RNAV route T-223 in the vicinity of Cape Newenham, 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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T-223 ZIKNI, AK to Anchorage, AK (TED) [Amended]

ZIKNI, AK	WP	(Lat. 58°39'21.68" N, long. 162°04'13.87" W)
Dillingham, AK (DLG)	VOR/DME	(Lat. 58°59'39.24" N, long. 158°33'07.99" W)
Anchorage, AK (TED)	VOR/DME	(Lat. 61°10'04.32" N, long. 149°57'36.51" W)

* * * * *

Issued in Washington, DC, on September 19, 2023.

Karen L. Chiodini,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2023-20627 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**[Docket No. FAA-2022-0220; **Airspace**
Docket No. 19-AAL-67]

RIN 2120-AA66

**Amendment of United States Area
Navigation (RNAV) Route T-242;
Utqiagvik, AK****AGENCY:** Federal Aviation
Administration (FAA), DOT.**ACTION:** Final rule.**SUMMARY:** This action amends United States RNAV route T-242 in the vicinity of Utqiagvik, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.**DATES:** Effective date 0901 UTC, November 30, 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 7400.11H, 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 by lessening the dependency on ground based navigation.

History

The FAA published a NPRM for Docket No. FAA-2022-0220 in the **Federal Register** (87 FR 16683; March 24, 2022), amending RNAV route T-242 in the vicinity of Utqiagvik, 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.

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 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H 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 7400.11H 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-242 in the vicinity of Utqiagvik, AK, in support of a large and comprehensive T-route modernization project in the state of Alaska. The amendment is described below.

T-242: T-242 extends between the Talkeetna, AK, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Barrow, AK, VOR/DME. The route is amended by removing the KUTDE, AK, and LACIL, AK, waypoints (WPs) from the route description since they are not required to retain the route's structure. The WPs will remain in the National Airspace System Resources database and continue to be depicted on the Instrument Flight Rules En Route charts. Additionally, the HUMUB, AK, WP is

added to the legal description to provide connectivity to a future proposed RNAV route in the area. Lastly, the route is described in a west to east order to conform with existing regulatory guidance.

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-242 in the vicinity of Utqiagvik, 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:

T-242 BARROW, AK (BRW) TO TALKEETNA, AK (TKA) [AMENDED]

Barrow, AK (BRW)	VOR/DME	(Lat. 71°16'24.33" N, long. 156°47'17.22" W)
JOKAP, AK	WP	(Lat. 63°54'46.48" N, long. 150°58'29.25" W)
HUMUB, AK	WP	(Lat. 62°25'20.31" N, long. 150°13'49.23" W)
Talkeetna, AK (TKA)	VOR/DME	(Lat. 62°17'54.16" N, long. 150°06'18.90" W)

* * * * *

Issued in Washington, DC, on September 19, 2023.

Karen L. Chiodini,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2023-20632 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2023-1802; Airspace Docket No. 23-ASW-13]

RIN 2120-AA66

Renaming of Restricted Areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E, and Updating the Using Agency, U.S. Army, Commanding General, III Armored Corps and Fort Cavazos, Fort Cavazos, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action is an administrative change to rename the location of restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E and to update the name of the listed using agency for those restricted areas. 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). Additionally, this action makes minor editorial corrections to the designated altitudes contained in three

of the restricted areas and to the geographic coordinates of one boundary point in one of the restricted areas.

These amendments do not affect the overall restricted area complex boundaries, operational altitudes, times of designation, or activities conducted within the airspace.

DATES: Effective 0901 UTC, November 30, 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: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the airspace descriptions of restricted areas R-6302A, R-6302B,

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 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

R-6302C, R-6302D, and R-6302E and the name of their using agency.

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 Hood, TX" is changed to "Fort Cavazos, TX". Consequently, this rulemaking action implements the requisite changes to part 73 by updating the airspace description titles and using agencies of restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E to reflect the new name.

Additionally, in reviewing the Fort Hood restricted areas complex, the FAA identified restricted area R-6302A and the overlapping R-6302E contained the same 30,000 feet mean sea level (MSL) altitude in both designated altitudes descriptions. To correct this altitude overlap while both restricted areas are active, the designated altitude information for R-6302A is being changed from extending upward from the surface to 30,000 feet MSL to extending upward from the surface to, but not including 30,000 feet MSL. That will overcome the designated altitudes overlap issue without impacting the operations conducted within the restricted areas when they are active

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

individually or collectively. Further, to keep the designated altitudes ceilings for two adjacent restricted areas (R-6302C and R-6302D) to R-6302A consistent with the changed R-6302A ceiling, the designated altitudes for R-6302C and R-6302D are also being changed to reflect extending upward from the surface to, but not including 30,000 feet MSL.

Lastly, in the FAA's review of the R-6302 restricted areas complex, a typographical error was identified for the seventh boundary point listed in the R-6302E description. When R-6302E was established (59 FR 43460; Aug. 24, 1994), that boundary point was listed as latitude 31°09'01" N, longitude 97°43'31" W. In 1999, the FAA published a rule amending R-6302E (64 FR 3623; Jan. 25, 1999) to modify the western boundary of the restricted area to no longer extend over R-6302C and R-6302D. Inadvertently, a typographical error was made to the seventh boundary point geographic coordinates on the eastern boundary of the R-6302E description that changed the latitude 31°09'01" N, longitude 97°43'31" W coordinates to latitude 31°09'01" N, longitude 97°43'01" W. This action corrects that typographic error to reflect the seventh boundary point listed in the R-6302E description as "lat. 31°09'01" N, long. 97°43'31" W".

The Rule

This action amends 14 CFR part 73 by updating the airspace titles and using agency information for restricted areas R-6302A, R-6302B, R-6302C, R-6302D, and R-6302E by removing the name "Fort Hood, TX" and replacing it with "Fort Cavazos, TX". Additionally, this action changes the designated altitudes for R-6302A, R-6302C, and R-6302D from "Surface to 30,000 feet MSL" to "Surface to, but not including 30,000 feet MSL". Lastly, this action corrects the seventh boundary point listed for R-6302E from "lat. 31°09'01" N, long. 97°43'01" W" to "lat. 31°09'01" N, long. 97°43'31" W".

This action consists of administrative name changes and minor editorial corrections only and does not affect the restricted area complex boundaries, operational altitudes, times of designation, or activities conducted within 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-6302A, R-6302B, R-6302C, R-6302D, and R-6302E, 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, which categorically excludes from further environmental impact review 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:

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.

§ 73.63 Texas (TX) [Amended]

■ 2. Section 73.63 is amended as follows:

R-6302A Fort Hood, TX [Removed]

R-6302B Fort Hood, TX [Removed]

R-6302C Fort Hood, TX [Removed]

R-6302D Fort Hood, TX [Removed]

R-6302E Fort Hood, TX [Removed]

R-6302A Fort Cavazos, TX [New]

Boundaries. Beginning at lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°10'01" N, long. 97°48'01" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°18'23" N, long. 97°45'43" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°22'09" N, long. 97°43'27" W; to lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°21'01" N, long. 97°41'01" W; to lat. 31°20'01" N, long. 97°41'01" W; to lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°37'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°10'01" N, long. 97°41'01" W; to lat. 31°09'01" N, long. 97°43'31" W; to the point of beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Cavazos, Fort Cavazos, TX.

R-6302B Fort Cavazos, TX [New]

Boundaries. Beginning at lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°06'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°08'01" N, long. 97°37'01" W; to the point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. 1800-0600 local time, Monday-Saturday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored

Corps and Fort Cavazos, Fort Cavazos, TX.

R-6302C Fort Cavazos, TX [New]

Boundaries. Beginning at lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°09'01" N, long. 97°55'01" W; to lat. 31°16'01" N, long. 97°54'01" W; to lat. 31°19'01" N, long. 97°51'01" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°10'01" N, long. 97°48'01" W; to the point of the beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Cavazos, Fort Cavazos, TX.

R-6302D Fort Cavazos, TX [New]

Boundaries. Beginning at lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°19'01" N, long. 97°51'01" W; to lat. 31°24'01" N, long. 97°48'01" W; to lat. 31°23'01" N, long. 97°43'01" W; to lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°22'09" N, long. 97°43'27" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°18'23" N, long. 97°45'43" W; to the point of the beginning.

Designated altitudes. Surface to, but not including 30,000 feet MSL.

Time of designation. 0700–1900 local time, Monday–Friday; other times by NOTAM.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Cavazos, Fort Cavazos, TX.

R-6302E Fort Cavazos, TX [New]

Boundaries. Beginning at lat. 31°22'08" N, long. 97°41'56" W; to lat. 31°21'01" N, long. 97°41'01" W; to lat. 31°20'01" N, long. 97°41'01" W; to lat. 31°14'01" N, long. 97°33'01" W; to lat. 31°08'01" N, long. 97°39'01" W; to lat. 31°10'01" N, long. 97°41'01" W; to lat. 31°09'01" N, long. 97°43'31" W; to lat. 31°09'01" N, long. 97°45'01" W; to lat. 31°10'01" N, long. 97°48'01" W; to lat. 31°14'15" N, long. 97°50'33" W; to lat. 31°18'25" N, long. 97°48'48" W; to lat. 31°18'23" N, long. 97°45'43" W; to lat. 31°20'00" N, long. 97°45'23" W; to lat. 31°22'09" N, long. 97°43'27" W; to the point of beginning.

Designated altitudes. 30,000 feet MSL to 45,000 feet MSL.

Times of designation. By NOTAM 48 hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. U.S. Army, Commanding General, III Armored Corps and Fort Cavazos, Fort Cavazos, TX.

* * * * *

Issued in Washington, DC, on September 19, 2023.

Karen L. Chiodini,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2023–20617 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31509; Amdt. No. 4080]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 25, 2023. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 25, 2023.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone: (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the ADDRESSES section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on September 15, 2023.

Thomas J. Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

*** Effective Upon Publication

AIRAC date	State	City	Airport name	FDC No.	FDC date	Procedure name
2–Nov–23	IA	Clarinda	Schenck Fld	3/0220	9/5/23	RNAV (GPS) RWY 2, Amdt 1.
2–Nov–23	IA	Clarinda	Schenck Fld	3/0224	9/5/23	RNAV (GPS) RWY 20, Amdt 1.
2–Nov–23	MN	Crookston	Crookston Muni/Kirkwood Fld	3/0392	8/9/23	VOR/DME RWY 13, Orig-C.
2–Nov–23	TX	Wink	Winkler County	3/5962	9/11/23	RNAV (GPS) RWY 13, Amdt 1B.
2–Nov–23	WI	Wisconsin Rapids ...	Alexander Fld South Wood County.	3/6966	9/8/23	RNAV (GPS) RWY 2, Orig-B.

[FR Doc. 2023–20551 Filed 9–22–23; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31508; Amdt. No. 4079]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 25, 2023. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 25, 2023.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954-1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPs, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This

amendment provides the affected CFR sections and specifies the typed of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on September 15, 2023.

Thomas J. Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

■ 2. Part 97 is amended to read as follows:

Effective 2 November 2023

Jackson, CA, KJAQ, Takeoff Minimums and Obstacle DP, Amdt 2
Albemarle, NC, KVUJ, RADAR-1, Orig-A
Greensboro, NC, KGSO, RNAV (GPS) RWY 5R, Amdt 2F
Greensboro, NC, KGSO, RNAV (GPS) RWY 23L, Amdt 2F
Grand Forks, ND, KGFK, RNAV (GPS) RWY 17R, Amdt 1A
Towanda, PA, N27, RNAV (GPS)-A, Amdt 1

Effective 30 November 2023

Unalakleet, AK, PAUN, LOC RWY 15, Amdt 6
Greensboro, AL, 7A0, RNAV (GPS) RWY 18, Orig
Greensboro, AL, 7A0, RNAV (GPS) RWY 36, Orig
Greensboro, AL, 7A0, Takeoff Minimums and Obstacle DP, Orig
Texarkana, AR, KTXK, ILS OR LOC RWY 22, Amdt 17
Texarkana, AR, KTXK, LOC BC RWY 4, Amdt 13A, CANCELED
Tucson, AZ, KTUS, Takeoff Minimums and Obstacle DP, Amdt 6

San Francisco, CA, KSFO, GLS RWY 19L, Amdt 1

San Francisco, CA, KSFO, GLS RWY 19R, Amdt 1

San Francisco, CA, KSFO, ILS OR LOC RWY 19L, Amdt 23

San Francisco, CA, KSFO, RNAV (GPS) RWY 19L, Amdt 4

San Francisco, CA, KSFO, RNAV (GPS) Y RWY 19R, Amdt 4

San Francisco, CA, KSFO, RNAV (GPS) Z RWY 19R, Orig

Ankeny, IA, KIKV, ILS OR LOC RWY 36, Amdt 3A

Des Moines, IA, KDSM, RNAV (GPS) RWY 5, Amdt 4

Des Moines, IA, KDSM, RNAV (GPS) RWY 23, Amdt 3

Des Moines, IA, KDSM, Takeoff Minimums and Obstacle DP, Amdt 13

Indianapolis, IN, KUMP, Takeoff Minimums and Obstacle DP, Amdt 4

Flemingsburg, KY, KFGX, RNAV (GPS) RWY 7, Amdt 1

Flemingsburg, KY, KFGX, RNAV (GPS) RWY 25, Amdt 1

Flemingsburg, KY, KFGX, Takeoff Minimums and Obstacle DP, Amdt 1

Faribault, MN, KFBL, RNAV (GPS) RWY 12, Amdt 2

Marshall, MO, KMHL, Takeoff Minimums and Obstacle DP, Amdt 1

Nevada, MO, KNVD, RNAV (GPS) RWY 2, Orig-B

Nevada, MO, KNVD, RNAV (GPS) RWY 20, Orig-B

Rocky Mount, NC, KRWI, VOR RWY 22, Amdt 3C

Clovis, NM, KCVN, ILS RWY 4, Orig

Clovis, NM, KCVN, ILS OR LOC RWY 4, Amdt 1, CANCELED

Dayton, OH, KGDK, RNAV (GPS) RWY 7, Amdt 1A

Dayton, OH, KGDK, RNAV (GPS) RWY 25, Amdt 1B

Marysville, OH, KMRT, Takeoff Minimums and Obstacle DP, Amdt 3

Ardmore, OK, KADM, RNAV (GPS) RWY 31, Amdt 1G

Bellefonte, PA, N96, VOR-A, Amdt 2A, CANCELED

Ebensburg, PA, 9G8, RNAV (GPS) RWY 7, Orig-D

Ebensburg, PA, 9G8, RNAV (GPS) RWY 25, Orig-F

Ebensburg, PA, 9G8, VOR-A Amdt 7B, CANCELED

Mount Joy/Marietta, PA, N71, VOR RWY 28, Amdt 2

Punxsutawney, PA, N35, Takeoff Minimums and Obstacle DP, Amdt 3A

St Marys, PA, KOYM, RNAV (GPS) RWY 10, Amdt 1D

St Marys, PA, KOYM, RNAV (GPS) RWY 28, Amdt 1F

Wilkes-Barre/Scranton, PA, KAVP, ILS OR LOC RWY 22, Amdt 11

Arlington, TX, KGKY, RNAV (GPS) RWY 16, Orig

San Angelo, TX, KSJT, RADAR 1, Amdt 1C, CANCELED

Berkeley Springs, WV, W35, VOR RWY 29, Amdt 6B, CANCELED

[FR Doc. 2023-20550 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 231

[Docket Number: 230915-0220]

RIN 0693-AB70

Preventing the Improper Use of CHIPS Act Funding

AGENCY: CHIPS Program Office, National Institute of Standards and Technology, Department of Commerce.

ACTION: Final rule.

SUMMARY: The CHIPS and Science Act of 2022, which amended Title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (collectively, the CHIPS Act or Act) established an incentives program to reestablish and sustain U.S. leadership across the semiconductor supply chain. The Department of Commerce, through the National Institute of Standards and Technology, is issuing this final rule to implement conditions in the Act that seek to prevent funding provided through the program from being used to directly or indirectly benefit foreign countries of concern. The rule defines terms related to these conditions, describes the types of activities that are prohibited by those conditions, and sets forth procedures for notifying the Secretary of Commerce (Secretary) of non-compliance and the process by which the Secretary will enforce these provisions.

DATES: This final rule is effective November 24, 2023.

FOR FURTHER INFORMATION CONTACT: Sam Marullo at (202) 482-3844 or askchips@chips.gov. Please direct media inquiries to the CHIPS Press Team at press@chips.gov.

SUPPLEMENTARY INFORMATION: On March 23, 2023, the National Institute of Standards and Technology published and requested public comment on a proposed rule that defined terms used in the Act (including terms that will be used in required agreements with covered entities), identified the types of transactions that are prohibited under the Expansion Clawback and Technology Clawback sections of the Act, and provided a description of the proposed process for notification of certain transactions to the Secretary (88 FR 17439). This final rule includes final definitions of terms, describes the types of conditions that will apply to expansion, joint research, and technology licensing activities,

establishes a process for notifying the Secretary of potentially impermissible activities, and articulates processes by which the Secretary will enforce these provisions.

Background

The CHIPS Act, 15 U.S.C. 4651 *et seq.*, established a semiconductor incentives program (CHIPS Incentives Program) to provide funding via grants, cooperative agreements, loans, loan guarantees, and other transactions, to incentivize investments in facilities and equipment in the United States for the fabrication, assembly, testing, advanced packaging, production, or research and development of semiconductors, materials used to manufacture semiconductors, or semiconductor manufacturing equipment. The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the Department.

To protect national security and the resiliency of supply chains, CHIPS funds may not be provided to a foreign entity of concern, such as an entity that is owned by, controlled by, or subject to the jurisdiction or direction of a country listed in 10 U.S.C. 4872(d). In addition, the Act establishes guardrails, including the Expansion Clawback (15 U.S.C. 4652(a)(6)) and the Technology Clawback (15 U.S.C. 4652(a)(5)(C)), to prevent the beneficiaries of CHIPS funds from supporting the semiconductor manufacturing and technology development of foreign countries of concern. To effectuate these conditions, and to prevent their circumvention, covered entities are required to enter into a binding agreement with the Department.

This final rule codifies the Expansion Clawback in Subpart B, including exceptions to the prohibition on semiconductor manufacturing capacity expansions that apply to existing facilities that manufacture legacy semiconductors and for significant transactions involving semiconductor manufacturing capacity expansion for new facilities producing legacy semiconductors that predominately serve the market of a foreign country of concern.

This final rule requires covered entities to fulfill certain obligations ahead of taking certain actions. A covered entity must notify the Secretary of any planned significant transaction by the covered entity or a member of its affiliated group involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern, including in cases where it believes the transaction may be

allowed under the exceptions. Terms related to this notification requirement are defined in Subpart A of this final rule, and procedures for submission and review of these notifications are detailed in Subpart C. Failure by a covered entity or member of its affiliated group to comply with the conditions of the Expansion Clawback may result in recovery of the full amount of Federal financial assistance provided to the covered entity.

This final rule also defines terms used in and further explains the Act's Technology Clawback, which prohibits the covered entity from knowingly engaging in any joint research or technology licensing effort with a foreign entity of concern that relates to a technology or product that raises national security concerns as determined by the Secretary and communicated to the covered entity before the covered entity engages in such joint research or technology licensing. A covered entity's required agreement will include a commitment that the covered entity will not conduct such prohibited joint research or technology licensing. The Technology Clawback does not apply to joint research or technology licensing that is ongoing prior to the Secretary communicating to the covered entity the technologies or products that raise national security concerns, which is being done through this final rule. To effectuate this safe harbor, the required agreement will memorialize any ongoing joint research or technology licensing with foreign entities of concern that relates to technology or products that raise national security concerns. Failure to comply with this condition may also result in recovery of up to the full amount of Federal financial assistance. This final rule serves as the Secretary's communication to covered entities of the categories of technologies and products that raise national security concerns. The Secretary retains discretion to not provide an award to an applicant if the applicant's ongoing joint research or technology licensing activities are inconsistent with the goals of the Act. Subpart C articulates the process by which the Secretary will evaluate any possible violations of the Technology Clawback and provide notice to the covered entity.

In addition, to address the risk of circumvention of the Technology Clawback, while accommodating commenters' request for flexibility, CPO is clarifying in the final rule that it will impose additional conditions, as appropriate, in the funding agreement that are in addition to the Technology

Clawback. The final rule provides that the Secretary may take appropriate remedial measures, including requiring mitigation agreements or recovering up to the full amount of the Federal financial assistance provided to a covered entity, if any entity that is a related entity of the covered entity engages in joint research or technology licensing that would violate the Technology Clawback if engaged in by the covered entity. The Secretary has discretion to impose lesser remedial measures, as appropriate. For purposes of this final rule, a related entity is any entity that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the covered entity. This approach is necessary to prevent enterprises from circumventing the conditions that Congress required to avoid semiconductor technology transfer to foreign entities of concern.

Discussion of Comments

CPO received 27 comment submissions in response to the proposed rule. Comments were received from industry and trade associations, multinational semiconductor companies and companies in related industries, individuals, a law firm, a union, a foreign government, and one anonymous commenter. Three submissions included business proprietary information, along with a public summary. Commenters generally expressed support for the goals and objectives of the CHIPS Act, including the national security guardrails provisions that are the subject of this final rule. Many comments raised specific concerns about the potential negative business effects of certain definitions set forth in the proposed rule and provided detailed suggestions for alternatives. Other submissions were more general in nature and did not provide specific comments on the proposed rule itself. All submissions were carefully reviewed, and CPO thanks the public for its engagement. CPO's responses to comments within the scope of this rulemaking have been grouped by the regulatory section to which they pertain and are summarized below.

A. Comments Related to Subpart A—Definitions

231.101 Affiliate

Comment #1: Several commenters noted that the definition of "affiliate" in the proposed rule differed from the definition of "affiliated group" included in the statute at 15 U.S.C. 4652(a)(6)(C)(iii). This resulted in an

inconsistency between the threshold percentage to be used for identifying affiliates based on voting interest under the proposed rule (50 percent) and the threshold under the Act for identifying members of the affiliate group (80 percent).

Response: CPO is removing the defined term "affiliate" from the final rule to avoid confusion. CPO addresses the operation of the Expansion Clawback and the Technology Clawback in light of this change in each of those sections below.

231.102 Applicable Term

Three submissions included comments on the definition of "applicable term." The commenters argued that the statute specifies different applicable terms for the Expansion Clawback (a period of ten years following the date of the award) and the Technology Clawback (for the applicable term of the award), whereas the proposed rule harmonized the term of both clawbacks at ten years from the date of the award. Commenters questioned whether CPO had the authority to set this term for the purposes of the Technology Clawback. They suggested that this discrepancy be remedied by differentiating that there are two applicable terms, one for the Expansion Clawback and one for the Technology Clawback.

Response: In the proposed rule, CPO sought to align the applicable terms of the Expansion Clawback and Technology Clawback at ten years for consistency and ease of monitoring and compliance. However, CPO recognizes that there may be instances where the term of an award is shorter than the ten years articulated in the Expansion Clawback, and there may be instances where the term of the award exceeds the ten-year time period in the Expansion Clawback. As the term of the award will depend upon the particular award, CPO is removing the definition of applicable term from the rule and will instead articulate the applicable term of a particular award in the relevant award documents.

231.103 Existing Facility

Comment #1: Several comments were received regarding the meaning of "existing facility," specifically regarding the phrase "operating at the semiconductor manufacturing capacity level for which it was designed," and the phrase "semiconductor manufacturing capacity at the time the required agreement is signed." The comments noted that these phrases can capture two different measurements of "manufacturing capacity," as most

facilities do not always run at their full designed capacity. Specifically, due to market conditions, ramping up activities, and other factors, there could be a significant gap between the planned or designed capacity of a facility and its actual output at the time a funding agreement is signed. Production also fluctuates from one quarter to another based on market conditions and product demand. Other comments noted that facilities may be awaiting the installation of one or more pieces of new or replacement equipment which should be considered part of the semiconductor manufacturing capacity level for which the facility was designed. Commenters suggested revising the definition of “existing facility” to account for the full design capacity at the time the facility was planned.

Response: CPO agrees that additional clarity is warranted. The final rule clarifies that certain facilities that are undergoing construction, expansion, or modernization may be considered existing facilities under specified conditions, and that the baseline manufacturing capacity of the existing facilities at the date of the award will be addressed in the covered entity’s required agreement.

231.106 Foreign Entity of Concern

Comment #1: Some commenters expressed concern that it would be difficult for them to determine whether a foreign entity falls into one of the categories considered “foreign entities of concern.” They prefer limiting the definition to specific lists of foreign entities of concern that they can readily check. Another commenter thought that using existing government lists is reasonable but will be gamed, because “China can easily create small, not genuinely independent R&D entities that are challenging to track.” Further, the commenter notes, the “draft regulations effectively require the [U.S. government] to devote more resources than at present, to maintain these lists properly as new PRC entities appear.”

Response: The criteria for “foreign entities of concern” were articulated in the Act. CPO recognizes that, for some of the criteria, in particular the criteria related to foreign entities that have been alleged by the Attorney General to have been involved in certain activities for which a conviction was obtained, there may not be a consolidated, readily available list. And there are other criteria that require the evaluation of standards to determine whether a particular entity is a foreign entity of concern. Nevertheless, CPO expects that covered entities can exercise

appropriate diligence to determine whether a potential joint research or technology licensing partner would fall within the categories articulated in the Act and this rule.

Comment #2: Several commenters consider the proposed definition of “foreign entities of concern” too broad and noted that it would include many Chinese citizens and companies. They suggested excluding from this definition any foreign entity that is an affiliate or employee of a funding recipient or limiting it to entities included on certain U.S. Government lists, such as the Bureau of Industry and Security’s Entity List.

Response: CPO declines to make this change. The Act articulates the criteria for a foreign entity of concern, and, as noted above, CPO expects that covered entities can exercise appropriate diligence to identify entities that fall within the criteria articulated in Act. CPO also notes that preventing all activities, including joint research and technology licensing, with related corporate entities operating in foreign countries of concern, would conflict with the current business practices of the semiconductor industry in a manner that is inconsistent with the goals of the Act to develop a viable supply of secure and trusted semiconductors for the United States. Rather than amending the definition of “foreign entity of concern,” the final rule includes exceptions in the definitions of “joint research” and “technology licensing” that exempt employees of the covered entity and related entities from the scope of the Technology Clawback.

231.108 Joint Research

Numerous comments were received regarding the definition of “joint research.” In general, commenters noted that there were several types of activities that could be captured by the proposed definition, the restriction of which would disrupt normal business activities without a significant benefit to national security.

Comment #1: Commenters noted that some entities that would meet the definition of “foreign entities of concern” are members of international standards development organizations. Commenters noted that failing to include an exception in the joint research prohibition for international collaborative efforts in standards organizations would weaken opportunities for U.S. leadership in the global semiconductor sector, which requires that U.S. entities have a seat at the table for standard setting discussions.

Response: CPO agrees with the comments about international standards organizations, and the final rule includes an exception from the Technology Clawback for joint research related to standards.

Comment #2: Multiple comments noted the need to clarify that intra-company research and development activities should not be considered joint research.

Response: The final rule excludes from the definition of joint research any research and development conducted exclusively between employees of a covered entity or between entities that are related entities of the covered entity.

Comment #3: Commenters requested an exemption for any joint research and development related to warranty, service, and customer support performed by a covered entity.

Response: CPO agrees this type of activity does not pose a risk to national security, and the final rule now excludes from the definition of joint research warranty, service, and customer support performed by the covered entity or by any entity that is a related entity of the covered entity.

Comment #4: Some comments noted that it is common business practice in the global semiconductor industry for companies to outsource fabrication and/or packaging, which requires them to share design files and other technology related to specific products.

Response: CPO understands that outsourced manufacturing, including packaging, is widely used and has therefore added an exception in the definition of joint research for research, development, or engineering involving drawings, designs, or related specifications for products to be purchased and sold between two or more persons.

Comment #5: Some commenters requested an exemption for joint research, development, and engineering related to manufacturing processes for existing products.

Response: The intent behind this rule is to prohibit investments that could threaten national security while not unduly disrupting existing supply chains. Some manufacturing processes for existing products are sensitive and would raise national security concerns if transferred to a foreign entity of concern. However, prohibiting other work would be disruptive to existing supply chains and would not reduce national security risks. Outsourced assembly, test, and packaging providers (OSATs) within foreign countries of concern are commonly used within the industry today, cannot easily be substituted, and present limited

national security risk because they operate on already fabricated semiconductors. Therefore, CPO has narrowed the requested exemption to work necessary solely to enable use of assembly, test, or packaging services for integrated circuits.

Comment #6: Some commenters requested that the rule allow for collaborations between semiconductor equipment manufacturers and other upstream suppliers. Commenters argue that chemicals and materials necessary for manufacturing must be tested and evaluated for use on specific manufacturing equipment.

Response: Noting that the Technology Clawback only applies to technologies or products that raise national security concerns and involve foreign entities of concern, CPO finds that the collaborations mentioned by these commenters may result in advancing the military capability of foreign countries of concern, including the ability to produce advanced semiconductors that are a force multiplier for military modernization. Therefore, CPO declines to allow for an exception for such collaborations.

Comment #7: Some commenters requested that there be an exception for joint research involving fundamental research and publicly available or published information.

Response: CPO believes that these types of activities between covered entities and foreign entities of concern pose risks through the potential transfer of technology that raises national security concerns. While the underlying technology or information is publicly available, additional advancements in the technology or its use may be made through joint research and development to the benefit of the foreign entity of concern.

Comment #8: One commenter noted that, based on the definitions of “joint research” and “technology licensing,” the Technology Clawback prohibition would extend to items that are not subject to the jurisdiction of the Export Administration Regulations. They suggest limiting the technology subject to the joint research and technology licensing prohibition to that technology “subject to the EAR,” as defined in 15 CFR 734.3.”

Response: The Technology Clawback is intended to be broader in reach than the Export Administration Regulations. The Act creates a financial assistance program the goal of which is to incentivize investment in facilities and equipment in the United States to provide a secure supply of semiconductors for national security and critical infrastructure, and to

support the technology leadership of the United States. The goals of the Act are more expansive than just mitigating national security threats posed by the export of technology. Further, recipients of CHIPS funds may have operations outside the United States, which would not necessarily be subject to the restrictions of the Export Administration Regulations. It would be inconsistent with the goals of the Act for recipients of CHIPS funds to engage in joint research or technology licensing that was not in the national security interests of the United States, even if that activity was not prohibited by the Export Administration Regulations.

Comment #9: One commenter representing multiple semiconductor companies indicated that it is common practice to “design-in” devices into the customers’ end products. They note that “[t]hese discussions can involve technical matters; exchange of data including product features, product reliability, and product limitations; and consideration of alternative semiconductor products to optimize the end system’s performance and cost.” They believe these standard commercial exchanges could erroneously be captured under the definition of joint research, and request that there be an exception for “[d]isclosures of a process or assembly design kit, complex design intellectual property, foundational design intellectual property, or other technical information provided by a funding recipient or its affiliates to its customer solely for the design of integrated circuits to be manufactured by the funding recipient.”

Response: CPO declines to allow for this exception to the definition of joint research. The prohibition is limited to semiconductor technologies and products that raise national security concerns and to interactions with foreign entities of concern. CPO believes this activity may result in advancing the military capability of foreign countries of concern, including the ability to produce advanced military products incorporating semiconductors. However, CPO is including an exception under Technology Licensing to allow for disclosures of technical information to a customer solely for the design of integrated circuits to be manufactured by the funding recipient for that customer.

231.110 Legacy Semiconductor

Comment #1: Several commenters noted that the proposed definition of legacy semiconductor excluded all semiconductors packaged utilizing 3D integration. Commenters also stated that some types of 3D packaging, such as

stacking two legacy dies on top of each other using wire bonds, flip-chip, and bump connections are decades old and should be considered legacy. They note that “these techniques do not create the high bandwidth or functional density needed for advanced computing, AI, or communication applications.”

Response: CPO agrees. The final rule clarifies that only semiconductors utilizing advanced 3D integration packaging such as by directly attaching one or more die or wafer, through silicon vias (TSV), or through mold vias (TMV) are not considered to be legacy semiconductors.

Comment #2: Two commenters suggested that the definition’s reference to 28-nanometer generation or older should be modified by deleting the reference to gate length and substituting a phrase regarding technologies using the planar transistor architecture that should be considered as the same 28nm generation technology. They asserted the statute and the proposed rule define legacy semiconductor to include “28-nanometer generation or older” technologies without further elaboration on the many derivative technologies of the same technology generation. Therefore, “legacy semiconductor” should cover all planar transistors of the same technology generation to be consistent with the essential policy objectives of the export control rules that became effective on October 7, 2022.

Response: CPO declines to make this change. The proposed rule adequately captured the meaning of the term “28-nanometer generation,” which is consistent with the language of the Act. CPO acknowledges that, for more recent generations of semiconductors, gate length can become disconnected from node size. However, the result of this disconnection is that gate length is longer than node size for some highly advanced nodes. By setting the gate length threshold at 28nm, CPO will accurately capture legacy semiconductors. In addition, allowing improvements to the base 28nm generation architecture to be considered as legacy semiconductors could undermine the policy purpose of the prohibition. For example, a company could use (or create) a derivation of their existing 28nm technology for use in a foreign country of concern, thereby enabling precisely the kind of material expansion of semiconductor manufacturing capacity the Act seeks to constrain.

Comment #3: Commenters suggested that the definition of “legacy semiconductor” be expanded to include more advanced memory technology.

Response: CPO declines to make the suggested change and retains the existing definition in the final rule. The Act requires that the threshold for memory technology be set relative to the 28nm generation for logic chips. CPO finds the inclusion of more advanced memory technology would be counter to this directive. Moreover, the parameters for legacy memory in the final rule are consistent with current export control levels for memory chips. CPO further notes that the Act requires the Secretary to reassess technology levels on a regular basis, and at least every two years.

231.111 Material Expansion

Comment #1: Multiple commenters noted that semiconductor fabrication facilities must regularly make equipment and efficiency upgrades and productivity improvements within existing cleanroom space to maintain competitiveness, and these should not be considered “material expansions” (even though they may increase capacity incrementally). They asserted that the definition of “material expansion” in the proposed rule would cause these ordinary efficiency and productivity improvements to existing production lines to violate the Expansion Clawback. They recommend deletion of references to “equipment” and adopting a more focused, clearer definition for “material expansion” as the “building new cleanroom space that does not exist on the date of the Federal financial assistance award which has the purpose or effect of increasing semiconductor manufacturing capacity of a facility by more than five percent.” They note that cleanroom space is a more accurate measure of “material expansion” because the size of cleanroom space is tailored to a certain range of planned production capacity.

Response: CPO agrees with these comments to the extent they reference improvements to technology and equipment instead of semiconductor manufacturing capacity. In the final rule, CPO has modified the definition of material expansion to refer to the addition of cleanroom or other physical space. Cleanroom space is indicative of a facility’s production capacity, and in contrast to wafer starts per month or a similar metric, does not ordinarily fluctuate over time or change with ordinary course of business equipment upgrades. Therefore, addition of cleanroom space as a metric better captures the concept of material expansion and is substantially easier to monitor, helping to prevent evasion of the restriction.

Comment #2: Some commenters requested that the threshold for material expansion should be adjusted upwards to allow for continued necessary technological upgrades to existing facilities. They believe that the five percent threshold for material expansion will have the practical effect of capping a facility’s current capacity for 10 years. They suggest expanding thresholds to account for expected fluctuations in output and preexisting plans.

Response: CPO declines to adjust the material expansion threshold. The Act requires that covered entities agree not to engage in any material expansions of semiconductor production capacity in foreign countries of concern. Raising the five percent threshold for allowable material expansions would undermine this objective. The existing five percent disregard is sufficient to allow for ordinary course-of-business upgrades to facilities and production lines.

231.112 Owned by, Controlled by, or Subject to the Jurisdiction or Direction of

Several commenters expressed concern that this definition could be interpreted to mean that a covered entity would be prohibited from sharing technology with all Chinese citizens in all parts of the world. They noted that because the term “foreign entity of concern” is used in the prohibition on certain joint research or technology licensing, even very routine and necessary business activity could be blocked.

Additionally, one commenter argued that the 25 percent voting interest threshold inadequately addresses the methods of influence—beyond mere voting—that are employed by and available to foreign countries of concern against entities in the semiconductor industry.

Finally, one commenter noted that the proposed regulations seek to include all Chinese citizens and companies “subject to the jurisdiction” of the government of China to fall within the scope of a “foreign entity of concern.”

Response: In the final rule, CPO has modified the definition to provide greater specificity and has incorporated a definition of “owned by, controlled by, or subject to the jurisdiction, or direction of” into the definition of “foreign entity of concern” to clarify that the scope of the terms are limited to defining foreign entities of concern. As a consequence, the separate definition of “owned by, controlled by, or subject to the jurisdiction, or direction of” has been removed from the final rule. To address the concern of

some commenters regarding the broad scope of the definition, CPO clarified that it is limited to countries that are listed in 10 U.S.C. 4872(d), and applies to citizens, nationals or residents of those countries while they are in any of the countries listed in 10 U.S.C. 4872(d). For example, the term would include an Iranian national working in Russia, but would not include a Chinese national lawfully working in the United States or the Republic of Korea.

To address the concern that foreign entities of concern could circumvent the restrictions of the rule by establishing entities for which multiple foreign entities of concern each have ownership below the 25 percent threshold, the rule clarifies that, where at least 25 percent of the person’s outstanding voting interest is held directly or indirectly by any combination of persons who would otherwise be foreign entities of concern themselves, that person is also a foreign entity of concern.

CPO also made modifications to the definitions of joint research and technology licensing to allow for those activities to continue among employees of the covered entity and among related entities, even if the definition of foreign entity of concern would be implicated.

231.113 Person

Comment: One submission suggested that the definition of “person” should only include owners or those who have control over or receive profits from semiconductor manufacturing in foreign countries of concern. They asserted that this flexibility should also apply to service agreements and suppliers to those agreements that have no ownership or control over the prohibited activity.

Response: This final rule retains the definition of person that was established in the Act. CPO believes this definition best aligns with the national security goals of the Act.

231.114 Predominately Serves the Market

Comment #1: Several commenters disagreed with the proposed definition of “predominately serves the market” as meaning that at least 85 percent of the output by value must be used or consumed in the market of the foreign country of concern. Commenters argued that “predominately” implies a 50 percent threshold or at most a 70 percent threshold, and provided examples in which federal departments and agencies had interpreted “predominately” to mean 50 percent or more. On the other hand, another commenter expressed support for the 85 percent threshold: “85 percent of output

servicing the host market is a somewhat arbitrary level but the idea is sound. On top of risks from China making advanced chips, a flood of low-end chip exports will eventually emerge, similar to steel, phones, and so on. This may be unavoidable but the US should not speed the outcome.”

Response: CPO is maintaining the 85 percent threshold in its consideration of whether certain production of legacy semiconductors “predominately serves the market” in a foreign country of concern. This percentage appropriately disincentivizes certain production of legacy semiconductors in foreign countries of concern by a covered entity unless that entity’s output will predominately serve those countries’ domestic markets. A lower threshold could result in U.S. financing indirectly supporting additional production of legacy semiconductors in foreign countries of concern, including in ways that would potentially destabilize global semiconductor markets. This could undermine the ability of the United States to develop commercially viable semiconductor industries, thereby forcing the U.S. military and critical infrastructure businesses to rely on semiconductors produced by foreign countries of concern. This is a key national security risk that the CHIPS Act was intended to address.

The Act does not define “predominantly” (or “predominantly serves the market”) (while there may be some instances where the term “predominate” has been interpreted to mean 50 percent, that does not mean it can only be interpreted to mean 50 percent. Indeed, in section 102 of the Dodd-Frank Act, Public Law 111–203, Congress defined the term “predominantly engaged” to align with an 85 percent or more threshold. And while other agencies have construed “predominantly” to mean 50 percent or more, that was in different contexts, and does not dictate that “predominantly” can only mean a bare majority. There is no indication that Congress used predominate here to imply a bare majority, and based upon CPO’s understanding of the semiconductor industry and the goals of the Act, CPO believes that an 85 percent threshold is appropriate for determining when a semiconductor manufacturing facility predominately serves the market of a foreign country of concern.

Comment #2: Commenters noted that semiconductor manufacturers often lack full visibility into the ultimate end users of their products. They noted that semiconductor companies “do not sell products directly to consumers but to companies such as original equipment

manufacturers (OEMs) and other device integrators and are often sold and re-sold through a long chain of distributors. This makes it difficult, if not impossible, to follow each product to its ultimate user.” They requested that the regulations should adjust the tracking requirements for semiconductor manufacturers to reflect their practical limitations in determining the end-use of their products and limit tracking to documents obtained in the ordinary course of business, such as “ordered by” “sold to” or “shipped to” information.

One commenter suggested an alternative method to calculate the 85 percent threshold. They suggested using a simpler metric based on the ratio of units an entity manufactures in a foreign country of concern to the units shipped into a foreign country of concern. They asserted that this ratio illustrates the extent to which a manufacturer is reliant on production in foreign countries of concern to supply customers elsewhere; manufacturers that ship an equal or greater number of units into foreign countries of concern than the number of units they produce in foreign countries of concern are not reliant on supply manufactured in foreign countries of concern.

Another commenter requested that there be a safe harbor for the calculation of “predominately serves the market” so that companies that believe, in good faith, they meet the threshold would not be subject to the Expansion Clawback.

Response: CPO declines to interpret “serves the market” to refer to the location to which the semiconductors are first shipped or to create a safe harbor. Doing so would undermine the Act’s goals of ensuring that CHIPS Act-funded innovation does not fuel expansion of the semiconductor industries in foreign countries of concern. Semiconductors are often purchased by an initial customer and then integrated into technology that is sold in other products. Focusing solely on the initial sale would not address circumstances where that initial customer is then selling goods with those semiconductors in different markets. Because the goal of this prong of the exception to the Expansion Clawback is to allow the continued expansion of semiconductor manufacturing capacity by facilities in foreign countries of concern that produce products for use in foreign countries of concern, it is imperative that focus be on the country where the semiconductor is ultimately used, not just the location of the middleman purchasing the semiconductors in the first instance.

CPO recognizes that this definition may require covered entities to implement new mechanisms to track where their products are ultimately incorporated and sold in final products. CPO believes that companies can develop those capabilities to meet the final rule’s requirements.

231.115 Required Agreement

Comment: Several commenters noted the need for flexibility in the required agreement to address unique circumstances such as the sale or transfer of a facility from one party to another, or for how to deal with facilities that are planned, under construction or otherwise not operating at the capacity for which they are designed at the time of the agreement.

Response: CPO agrees that additional flexibility in the required agreement would support the policy goals of the CHIPS Program. The final rule amends the proposed definition of “required agreement” to allow for the Secretary and covered entity to amend the required agreement by mutual consent, consistent with law. In addition, the revised definition clarifies that the required agreement will memorialize the covered entity’s existing facilities (including capacity) in foreign countries of concern, as well as any ongoing joint research or technology licensing with a foreign entity of concern that relates to a technology or product that raises national security concerns. In addition, the required agreement will address any additional restrictions that are necessary to prevent circumvention of the Technology Clawback.

231.118 Semiconductor Manufacturing

Comment #1: Commenters suggested defining semiconductor manufacturing to include the earlier stages of the manufacturing process such as creating polysilicon ingots and making wafers. They note that polysilicon and related materials are the semiconductor in semiconductor chips and a very necessary part of a complete and resilient U.S. semiconductor supply chain and that “the proposed rule, however narrowly focused on enforcement, appears to broadly affect eligibility for the CHIPS § 48D credit.” Other commenters suggested clarifying that upstream suppliers are not considered to be semiconductor manufacturers (and therefore are not subject to the prohibition on expansions of semiconductor manufacturing capacity).

Response: CPO agrees that additional clarity would be appropriate. The final rule clarifies that semiconductor wafer production is included within the

definition of semiconductor manufacturing, along with semiconductor device fabrication and packaging, and is therefore subject to the Expansion Clawback.

Semiconductor wafer production includes the processes of wafer slicing, polishing, cleaning, epitaxial deposition, and metrology. Suppliers further upstream, such as those supplying polysilicon and other raw materials, are not included within the scope of semiconductor manufacturing for the purposes of this rule and are therefore also not subject to the Expansion Clawback.

231.119 Semiconductor Manufacturing Capacity

Comment #1: Multiple commenters suggested that for fabrication facilities that produce wafers designed for a wafer-to-wafer bonding structure, productive capacity should be measured in wafers stacked in order to align the metric with the facility's actual output, and to account for the fact that the number of stacked wafers produced at these facilities is far smaller than the number of wafers started because wafers are stacked and combined during production.

Response: CPO agrees with this suggestion and in the final rule notes that for semiconductor fabrication facilities for wafers designed for wafer-to-wafer bonding structure, semiconductor manufacturing capacity is measured in stacked wafers per year. The semiconductor manufacturing capacity of such facilities will be documented in the covered entity's required agreement.

Comment #2: Commenters suggested measuring semiconductor manufacturing capacity on an annual basis, rather than wafer starts per month to smooth the measurement of capacity and avoid undue focus on a single month where capacity may be higher or lower.

Response: CPO agrees with this suggestion and has modified the definition in the final rule to measure semiconductor manufacturing capacity in wafers per year.

231.120 Semiconductors Critical to National Security

Comment #1: Multiple commenters argued that the list of semiconductors critical to national security in the proposed rule is overly broad and includes some products that are widely used in commercial applications (such as silicon carbide semiconductors and FD-SOI semiconductors). They noted that exports of some of these products are not controlled for national security

or regional stability reasons under the Export Administration Regulations. They recommended that the list be fully harmonized with current export controls and not include general purpose commodities not designed for a particular application. They also asserted that such alignment with existing restrictions would "reduce administrative and compliance burdens and . . . achieve the objectives of regulatory harmonization as stated in the proposal's preamble." One commenter also suggested that the compound and wide-bandgap/ultra-wide bandgap semiconductor categories on the list should be "narrowed to exclude products that reduce carbon emissions because they enhance rather than threaten U.S. national security" (specifically, SiC power semiconductors).

Response: CPO acknowledges that there are commercial applications in which compound and fully depleted silicon on insulator (FD-SOI) semiconductors are increasingly used. However, the performance advantages offered by compound semiconductors over silicon semiconductors, such as wider bandgap, lower operating voltages, and higher electron mobility are vital to many sophisticated military applications.

Moreover, the governments of some foreign countries of concern have identified compound semiconductors as a strategic emerging industry. They have set ambitious goals for acquisition and development of compound semiconductor technology and strive to become global leaders in the industry. CPO notes that while exports of certain semiconductors are not subject to national security or regional stability export controls, joint research or technology licensing involving these products with foreign entities of concern can nevertheless pose a significant risk to national security. Recipients of CHIPS Act funds should not further that risk. Therefore, CPO declines to remove compound and wide and ultra-wide bandgap semiconductors from the list of semiconductors critical to national security.

Regarding FD-SOI semiconductors, based on public comments, CPO has removed from the list of semiconductors critical to national security those FD-SOI semiconductors that relate to semiconductor packaging operations with respect to semiconductors of a 28-nanometer generation or older. This is consistent with the definition of legacy semiconductors.

Comment #2: One comment was received regarding inclusion of radiation hardened semiconductors on

the list of semiconductors critical to national security. The commenter thought that additional clarification was needed, because in some cases "the integrated circuits produced from the standard commercial process technology have become naturally more radiation resistant" and "radiation hardening can also occur during design." The commenter suggests that Commerce work with industry to clarify the coverage for radiation hardened semiconductors.

Response: As the commenter also noted, "Radiation-hardened by process" has "traditionally meant that special steps were taken in the process technology to enhance the radiation resilience of the products, such as introducing different substrate materials." CPO clarifies that semiconductors that are specially designed or processed to be resistant to radiation are considered semiconductors critical to national security.

231.121 Significant Transaction

Comments: One commenter requested that there be flexibility in the definition of "significant transaction," which it believes will "better comport with the actual language of the statute which requires a determination of the appropriate restriction on a case-by-case basis." The commenter suggested including a statement that the Department will have flexibility on a case-by-case basis to deviate from the definition of "significant transaction" to accommodate the unique needs and investments of a funding recipient and its affiliates." Other commenters argued the \$100,000 threshold (in aggregate over the applicable term of the required agreement) for significant transactions was too low, given the high capital costs associated with semiconductor manufacturing.

Response: After further evaluation, CPO is removing the proposed definition from the final rule. The Act contemplates that what constitutes a significant transaction will be defined in the required agreement. CPO acknowledges that different thresholds for significant transactions may be appropriate for different applicants. CPO anticipates issuing further guidance on this issue.

231.122 Significant Renovations

Comment #1: Commenters noted that the term "significant renovations" was not included in the CHIPS Act. Specifically, they object to inclusion of the phrase "a facility that undergoes significant renovations after the required agreement is entered into shall

no longer qualify as an ‘existing facility.’” Commenters noted that this phrase, when combined with the proposed rule’s definition of “significant renovations” as “any set of changes to a facility that, in the aggregate during the applicable term of the required agreement, increase semiconductor manufacturing capacity . . . by adding an additional line or otherwise increase semiconductor manufacturing capacity by 10 percent or more,” limits the ability to expand capacity for legacy semiconductor manufacturing to ten percent above existing capacity. The comments assert that the proposed rule would substantially narrow the exemption for existing legacy facilities and would limit the ability of companies to protect and maintain past investments in these existing facilities.

Response: CPO declines to remove the concept of significant renovations from the final rule. The concept of significant renovations clarifies how the two exceptions to the Expansion Clawback interact. Section 4652(a)(6)(C)(ii)(I) exempts “existing facilities or equipment of a covered entity for manufacturing semiconductors” and § 4652(a)(6)(C)(ii)(II) exempts “significant transactions involving the material expansion of semiconductor manufacturing capacity that produces legacy semiconductors [] and predominantly serves the market of a foreign country of concern.” Thus, subclause (I) provides a categorical exception for existing facilities while subclause (II) provides an exception regardless of whether the facility is existing or new, provided that it produces legacy semiconductors and predominantly serves the market of a foreign country of concern. Under this structure, the categorical exception in subclause (I) would not be available when the facility is no longer an “existing facility” due to significant renovations, but a covered entity could still avail itself of the exception provided by subclause (II). Without the concept of significant renovations, covered entities could evade the expansion prohibition simply by significantly expanding an existing facility rather than constructing a new facility.

CPO also believes that limiting capacity expansion for existing legacy facilities to ten percent is appropriate and upholds the national security goals of the Act. The final rule permits a five percent increase in semiconductor manufacturing capacity for ordinary course of business investments and facility improvements for all existing facilities. A larger exemption would

undermine the national security goals of the Act by permitting the construction of additional legacy semiconductor manufacturing capacity in foreign countries of concern, potentially allowing for technology transfer or investments that could potentially destabilize global semiconductor markets, thus undermining the ability of the United States to develop commercially viable semiconductor industries.

Comment #2: Commenters suggested revising the definition of “significant renovations” to limit it to new cleanroom construction or the addition of a manufacturing line that is not part of the legacy facility’s designed capacity level. Alternatively, they suggest significant renovations could be defined as an increase in the square footage of an existing facility by a specified percentage.

Response: CPO agrees that “significant renovations” can be better defined by reference to new cleanroom construction or the addition of a manufacturing line. The final rule defines significant renovations as building new cleanroom space, adding a production line, or other physical space to an existing facility that, in the aggregate during the applicable term of the required agreement, increases semiconductor manufacturing capacity by 10 percent or more.

Comment #3: Some commenters suggested increasing the percentage threshold for capacity expansion upward from 10 percent to 15 percent or 25 percent, to maintain the Department’s objectives of only allowing modestly expanded capacity, while ensuring that existing facilities can be reasonably maintained over the course of the 10-year period.

Response: CPO declines to raise the threshold for defining significant renovations beyond 10 percent. As explained above, greater expansion of legacy semiconductor manufacturing capacity in a foreign country of concern may lead to increased domestic dependencies and supply chain vulnerabilities, which could jeopardize national security.

Comment #4: Commenters suggested that the final rule allow for a waiver for expansion of legacy facilities on a case-by-case basis.

Response: As mentioned above in the discussion of the definition of “required agreement,” the final rule permits modifications to the required agreement between a covered entity and the Secretary upon mutual consent. The definition of “existing facility” in this final rule has been modified slightly to reflect this capability.

231.123 Technology Licensing

Broadly speaking, the comments on the definition of technology licensing were similar to or combined with those on the definition of joint research; both types of activities are subject to the Technology Clawback provision. One commenter summarized concerns by noting that “the emphasis should be on agreements involving the transfer of critical technology or know-how and make it clear that customary business discussions that may include general technical information are outside the reach of the rule.”

Comment #1: Numerous commenters emphasized the need to exempt patent-related activities from the definition of “technology licensing.” They observed that by including patents alongside trade secrets and know-how, the proposed language made a wholesale change to the way American companies conduct patent licensing, patent litigation, standard essential patent licensing, and standards-setting activities in China. Patents are public documents and should not be considered alongside trade secrets and “know-how.” They asserted that not excluding patents would impede ordinary business transactions that are essential to the semiconductor ecosystem and the protection and monetization of intellectual property. Commenters noted that patents are published documents, and therefore, the invention in a patent is already available and could be known to foreign entities of concern. Commenters also recommended that the definition of “technology licensing” exclude the affiliate transfers of patent agreements; not doing so may restrict funding recipients from entering into intracompany intellectual property license and transfer agreements with their affiliates, or vice versa. This has potentially wide-reaching impact for companies that utilize the well-accepted corporate practice of holding and managing intellectual property in a single entity to enable their global research and development efforts.

Response: CPO agrees that patent licensing should not be subject to the Technology Clawback because patents are, by definition, already public documents. In the final rule, patents have been excluded from the scope of technology licensing.

Comment #2: Numerous comments stressed the need to allow for participation in international collaborative efforts such as standards organizations. Many entities that would meet the definition of foreign entity of concern are members of international

standards setting organizations in the semiconductor space. Restricting which companies may participate in standards organizations puts U.S.-based standards development organizations at a disadvantage.

Response: CPO agrees and has addressed this issue in the discussion related to the definitions of “joint research” and “technology licensing.”

Comment #3: Some commenters thought that general sales of products may be captured under the proposed technology licensing definition. They say that the prohibition on technology licensing “with a foreign entity of concern that relates to a technology or product that raises national security concerns,” when combined with the definition of “technology licensing” could be interpreted to prohibit the sale of semiconductor products because each product is sold with an explicit or implied license to use the intellectual property underlying the product.

Response: CPO clarifies that the prohibition on technology licensing is not intended to apply to sales of semiconductor products. The final rule includes an exception to the definition of technology licensing for intellectual property licenses relating to the use of a product that is sold by a covered entity or a related entity.

Comment #4: Commenters noted that some companies outsource fabrication and/or packaging operations to foundries and outsourced semiconductor and test companies (OSATs), and in doing so they may make available intellectual property (such as a design file) to manufacturing partners. The commenter believes, based on the proposed rule, such activities could be construed as transferring know-how to a foreign entity of concern. They request that the rule be clarified to specify that information, such as design files for fabrication and packaging as part of an outsourced manufacturing agreement, is not covered by the Technology Clawback.

Response: CPO clarifies that the Technology Clawback is not meant to prevent the outsourcing of manufacturing or packaging of semiconductors, and the final rule allows for an exception in the “technology licensing” definition.

Comment #5: Some commenters thought that the proposed technology licensing definition could restrict funding recipients from entering into intracompany intellectual property license and transfer agreements with their affiliates. They noted that “this has potentially wide-reaching impact for companies that utilize the well-accepted

corporate practice of holding and managing intellectual property in a single entity to enable their global R&D efforts.”

Response: CPO agrees that the technology licensing definition should not capture transactions conducted exclusively between employees of a covered entity or among entities that are related entities of the covered entity. The definition in the final rule has been modified to include this exception.

B. Comments Related to Subpart B—General

231.202 Prohibition on Certain Expansion Transactions

Comment #1: One commenter noted that the period subject to this prohibition (a ten-year period beginning with the date of the incentive award) and the analogous prohibition in Treasury’s Advanced Manufacturing Investment Tax Credit rule (ten years from when eligible property is placed into service) can differ and may result in the combined restrictive period lasting longer than ten years; they suggest that the terms be harmonized to the ten year period of the award.

Response: CPO declines to make this change. The applicable term of the Expansion Clawback is articulated in the Act.

Comment #2: Several commenters noted that the definition of “affiliate” in the proposed rule differed from the definition of “affiliated group” included in the Expansion Clawback, resulting in a different threshold percentage for affiliates based on voting interest (50 percent in the proposed rule versus 80 percent in the Expansion Clawback).

Response: As noted above, CPO has removed the definition of “affiliate” from the proposed rule. However, CPO remains focused on ensuring that beneficiaries of CHIPS funds do not act in a manner that would be contrary to the national security goals of the Act. The Expansion Clawback in the Act refers to the term “affiliated group,” as is defined in 26 U.S.C. 1504, which generally establishes an 80 percent ownership of stock or voting power threshold. The Act further provides that if any member of a covered entity’s affiliated group engages in an impermissible significant transaction that results in the material expansion of semiconductor capacity, the Secretary may require an appropriate mitigation agreement or recoup the full amount of the Federal financial assistance award. CPO believes that applying the Expansion Clawback to members of a covered entity’s affiliated group, would adequately avoid circumvention of the

Clawback and meet the national security goals of the Act.

CPO, notes, however, that entities related to a covered entity but outside the scope of the affiliated group, as defined in the Act, may nonetheless be relevant to application of the Expansion Clawback. First, transactions between the covered entity and the related entities remain subject to the Expansion Clawback. Second, under applicable legal principles, such as the law of agency or single enterprise liability, the actions of such a related entity may be imputed to the covered entity or a member of its affiliated group for purposes of determining whether the covered entity or its affiliated group member engaged in a prohibited transaction.

231.203 Prohibition on Certain Joint Research or Technology Licensing

Comments: Several commenters indicated that the Technology Clawback should apply prospectively only. They argue this approach is consistent with the statutory language of the Act, which states that the Technology Clawback only becomes operative if national security concerns with specific joint research or a technology license are “communicated to the covered entity before engaging in such joint research or technology licensing.” One commenter suggested that the rule should clarify that companies holding a U.S. export license would not be prohibited or disqualified from applying for or receiving CHIPS Act funding, and would not be subject to the Technology Clawback provision, for engaging in technology licensing transactions that would be otherwise permitted by the export license.

However, another commenter noted that while the prohibition should not be applied retroactively, “there may be attempts by funding recipients to escape CHIPS restrictions with quick new investments, claiming plans and activities that predate implementing regulations. The final rules should discourage this as sharply as possible. The same applies to any rush of late-appearing joint research.”

Response: The final rule clarifies that the Technology Clawback does not apply to joint research and technology licensing activities with a foreign entity of concern related to technology or products that raise national security concerns that are ongoing prior to the Secretary communicating that such technology or products raise national security concerns. Through this final rule, the Secretary is communicating to all covered entities those technologies and products that raise national security

concerns. To ensure that this safe harbor is not used to circumvent the prohibitions in the rule, covered entities will be required to document those grandfathered joint research and technology licensing activities in the required agreement, and only those activities will fall within the safe harbor. The safe harbor does not preclude the Secretary from requiring the cessation of joint research or technology licensing with a foreign entity of concern as a condition of receiving Federal financial assistance. Any such terms will be memorialized in the required agreement.

Comment #2: Several commenters believed that use of the term “relates to” in the prohibition of certain joint research or technology licensing in the proposed rule lacks clarity and should be defined. Another commenter suggested defining “relates to” as “required for development of production” (as defined in the Export Administration Regulations) of items that raise national security concerns.

Response: The term “relates to” is in the Act, and although CPO is not specifically defining it in the rule, a reasonable interpretation is any joint research or technology licensing that would require an export license or involves the items included on the list of semiconductors critical to national security.

Comment #3: Some commenters objected to the proposed rule’s inclusion of a covered entity’s affiliates within the scope of the Technology Clawback because the covered entity’s affiliates are not mentioned in the Act’s Technology Clawback provision. Some commenters noted that the Secretary was constrained from applying the Technology Clawback to affiliates because only the Expansion Clawback included reference to the affiliated group.

Response: As noted above, CPO has removed the term “affiliates” as a defined term in the final rule. This change clarifies that Technology Clawback as articulated in the proposed rule applies to the covered entity, and not to affiliates of the covered entity.

However, CPO remains concerned that the joint research and technology licensing conditions of the Technology Clawback could be circumvented by relatively commonplace corporate arrangements. If the Secretary could recoup funds only if the distinct legal entity that is a party to a CHIPS incentives award engaged in a prohibited joint research or licensing transaction, a corporation could capture the benefit of the CHIPS award by having a subsidiary receive the award,

while it engages in prohibited joint research or licensing itself or through another subsidiary. That concern is particularly acute because, as some commenters highlighted, complex corporate structures and intracompany licensing arrangements are common in the semiconductor industry. Thus CPO believes that merely restricting the activities of the covered entity is not sufficient to prevent, for example, a parent company—which could be the ultimate beneficiary of the CHIPS Act funds—from engaging in joint research and technology licensing that would be prohibited under the Technology Clawback.

At the same time, CPO is cognizant of the complex corporate relationships and ongoing business activities of the semiconductor industry. CPO is also mindful that a number of commenters requested flexibility in the application of the Technology Clawback, such as the ability to enter into mitigation agreements or other mitigation measures that would stop short of recouping the entire Federal financial award. The Act, however, directs that where a covered entity engages in prohibited joint research or technology licensing activity such that the Technology Clawback is triggered, the Secretary “shall recover the full amount of an award.”

To address the risk of circumvention while accommodating further flexibility, CPO is clarifying in the final rule that it may impose additional conditions in the funding agreement that are in addition to the Technology Clawback. The final rule provides that if any entity related to the covered entity engages in joint research or technology licensing that would violate the Technology Clawback if engaged in by the covered entity, the Secretary may take appropriate remedial measures, including requiring mitigation agreements or recovering up to the full amount of the Federal financial assistance provided to a covered entity. The Secretary has discretion to impose lesser remedial measures, as appropriate. For purposes of this final rule, a related entity is any entity that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the covered entity. This approach is necessary to prevent enterprises from circumventing the conditions that Congress required to avoid semiconductor technology transfer to foreign entities of concern.

CPO notes that the Secretary will impose further requirements, as appropriate, in the individual funding agreements, including additional conditions on certain joint research or

technology licensing, to ensure that the prohibitions in the Act are achieved. This is consistent with the Act, which authorizes the Secretary to enter into agreements under the statute “on such terms as the Secretary considers appropriate.”

231.204 Retention of Records

Comment: Public comments noted that the proposed rule’s record retention requirements for all “significant transactions” is overly broad and burdensome, due in part to the \$100,000 threshold for “significant transactions.” Most comments suggest a revision to limit record retention to transactions involving the “material expansion” of semiconductor manufacturing capacity in a foreign country of concern, instead of all transactions.

Response: CPO agrees that the records retention requirement should only apply to transactions that involve the material expansion of semiconductor manufacturing capacity in a foreign country of concern, and has modified the record retention requirement accordingly in the final rule.

C. Comments Related to Subpart C—Notification, Review, and Recovery

231.304 Initiation of Review

Comment: One commenter suggested that there be a 10-day time limit for the Secretary to review a notification for completeness and to request additional information from the covered entity.

Response: CPO declines to make this change. The amount of material produced in response to a notification may be substantial. The Secretary may need more than 10 days to adequately review it for completeness. To provide additional clarity and to reduce uncertainty, CPO has included additional details in the final rule about the process for initiating, conducting, and completing a review under the Expansion Clawback. The final rule now more clearly sets out the process by which the covered entity must notify the Secretary of a potentially prohibited activity, the Secretary’s ability to request additional information to complete a review of a potentially prohibited activity, the Secretary’s timeline for issuing an initial determination, the covered entity’s ability and timeline to seek reconsideration of the initial determination, and the Secretary’s timeline for making a final determination. The final rule clarifies that the Secretary can initiate a review based upon any information available to the Secretary, without first needing to be notified by the covered entity.

231.307 Review of Actions That May Violate the Prohibition on Certain Joint Research or Technology Licensing

Comment: One commenter suggested that there be a mitigation process for possible violations of the prohibition on joint research technology licensing that would allow for the Secretary to take measures to mitigate the risk to national security, comparable to the mitigation process for violations of the material expansion prohibition.

Response: CPO declines to develop a mitigation process for violations of the prohibition on joint research and technology licensing, as the Act compels the Secretary to recover the full amount of the Federal financial assistance if the Technology Clawback is triggered. However, the final rule contemplates additional conditions that will be imposed, as appropriate, on the covered entity, as well as related entities, to avoid circumvention of the Technology Clawback. The final rule provides that the Secretary has discretion to adopt appropriate measures in response to violations of the additional conditions, which could include a mitigation agreement, recovery of some of the Federal financial award or recovery of the entire Federal financial award.

D. Other Comments

In addition to comments that addressed specific definitions and provisions in the proposed rule, some comments were submitted that relate to broader issues, such as enforcement of the rule and its relationship to the Treasury Department's rule authorizing the Advanced Manufacturing Investment Tax Credit, which includes a similar prohibition on significant transactions involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern for those entities claiming the credit.

Comment #1: Commerce and Treasury should work together closely to create rules and processes for Expansion Clawback and Recapture that apply the same definitions, criteria, review process, and enforcement protocol.

Response: Commerce and Treasury worked closely together and harmonized definitions to the maximum extent possible and will continue to do so after the final rules take effect.

Comment #2: Commerce and Treasury should create one, jointly staffed, fully empowered interagency tribunal to review and redress potentially improper uses of CHIPS Act benefits as this would be an extremely efficient and consistent way to ensure compliance. This

mechanism would conserve the resources of both agencies, would ensure consistency of statutory application, and would provide greater predictability for the affected companies.

Response: CPO will take this comment into consideration as it develops mechanisms to enforce compliance and redress improper use of CHIPS Act benefits.

Comment #3: Commerce and Treasury should recognize differences between the statutory provisions governing the Funding Program and the Investment Tax Credit. The regulatory scheme implementing the different provisions of the Act should allow for differences between the Legacy Exception and the Investment Tax Credit Legacy Exception in light of the differences in the statutory provisions for each program.

Response: CPO recognizes that there are differences in statutory requirements for the Advanced Manufacturing Investment Credit and the semiconductor incentives program, and that any implementing rules and guidance will reflect those differences. While the two regimes are aligned, there may be differences in how specific objectives are pursued.

Changes From the Proposed Rule

Sections have been renumbered throughout to reflect modifications to the proposed rule.

Changes in Subpart A (Definitions)

The final rule does not include the term "Affiliate," which appeared in proposed § 231.101.

The final rule does not include the term "Applicable Term," which appeared in proposed § 231.102.

In § 231.101 of the final rule, the definition of "Existing Facility" has been changed to specify that only facilities built, equipped, and operating prior to entering into the required agreement will be considered existing facilities; at the discretion of the Secretary, a facility that is undergoing construction, expansion, or modernization at the time of entering into the required agreement may be memorialized in the required agreement at the semiconductor manufacturing capacity for which it is designed or any lower capacity.

In § 231.102 of the final rule, minor modifications were made to the definition of "Foreign Country of Concern."

In § 231.103 of the final rule, minor modifications were made to the definition of "Foreign Entity."

In § 231.104 of the final rule, the definition of "Foreign Entity of

Concern" was modified; the prior definition of "owned by, controlled by, or subject to the jurisdiction or direction" was modified and directly incorporated into the definition of foreign entity of concern. In addition, proposed § 231.106(g) is deleted because, after further evaluation, CPO was concerned that there may be bases by which the Federal Communications Commission may (or can be compelled) to add entities to the list of equipment and services required by the Secure and Trusted Communications Networks Act of 2019, not all of which may align with the national security goals of the Act. Minor technical corrections were also made.

The final rule does not include the term "Funding Recipient," which appeared in proposed § 231.107. The term was omitted to better reflect the Act's use of the term covered entity.

In § 231.105 of the final rule, the term "Joint Research" was modified to clarify that the following types of activities are not considered joint research: standards-related activities; research and development conducted exclusively between employees of a covered entity or between entities that are related entities of the covered entity; research, development, or engineering related to a manufacturing process for an existing product solely to enable use of foundry, assembly, test, or packaging services for integrated circuits; research, development, or engineering involving two or more entities to establish or apply a drawing, design, or related specification for a product to be purchased and sold between or among such entities; and warranty, service, and customer support performed by a covered entity or an entity that is a related entity of a covered entity. Research and development is also defined separately in the final rule.

In § 231.110 of the final rule, the definition of "Legacy Semiconductor" was modified to include additional categories. For the purposes of a semiconductor wafer facility, the definition includes a silicon wafer measuring 8 inches (or 200 millimeters) or smaller in diameter and a compound wafer measuring 6 inches (or 150 millimeters) or smaller in diameter. For the purposes of a semiconductor fabrication facility, the definition includes a digital or analog logic semiconductor that is of the 28-nanometer generation or older (*i.e.*, has a gate length of 28 nanometers or more for a planar transistor); a memory semiconductor with a half-pitch greater than 18 nanometers for Dynamic Random Access Memory (DRAM) or less than 128 layers for Not AND (NAND)

flash that does not utilize emerging memory technologies, such as transition metal oxides, phase-change memory, perovskites, or ferromagnetics relevant to advanced memory fabrication; and a semiconductor identified by the Secretary in a public notice issued under 15 U.S.C. 4652(a)(6)(A)(ii). For the purposes of a semiconductor packaging facility, the definition includes a semiconductor that does not utilize advanced three-dimensional (3D) integration packaging. The definition in the final rule excludes semiconductors critical to national security, as defined in § 231.118; a semiconductor with a post-planar transistor architecture (such as fin-shaped field-effect transistor (FinFET) or gate all around field-effect transistor); and a semiconductor utilizing advanced three-dimensional (3D) integration packaging, such as by directly attaching one or more die or wafer, through silicon vias, through mold vias, or other advanced methods.

In § 231.108 in the final rule, minor modifications were made to the definition of “Material Expansion.”

In § 231.109 of the final rule, the definition of “Members of the Affiliated Group” is added.

The final rule does not separately define “Owned by, controlled by, or subject to the jurisdiction or direction of,” which was in proposed § 231.112. In the final rule, the definition has been directly incorporated into the definition of foreign entity of concern, and now clarifies that it applies to persons who are citizens, nationals, or residents of a foreign country listed in 10 U.S.C. 4872(d) and who are located in a foreign country listed in 10 U.S.C. 4872(d). It has also been modified to include as a foreign entity of concern, any person whose outstanding voting interest is at least 25 percent held directly or indirectly by persons that fall within subsection (i)-(iii) of the definition. This change was to ensure that foreign entities of concern could not circumvent the ownership threshold by coordinating with other foreign entities of concern to each have less than the 25 percent threshold.

In § 231.112 of the final rule, the definition of “Required Agreement” was modified to require that it memorialize the covered entity’s existing facilities in foreign countries of concern and the covered entity’s existing joint research and technology licensing activities related to technology or products that raise national security issues with foreign entities of concern; that it include additional terms to mitigate national security risks, including as contemplated in § 231.204; and that the agreement may be amended by mutual

consent to address changes in the status or ownership of an existing facility or any other circumstances that may arise.

In § 231.113 of the final rule, a definition of “Research and Development” is added. To ensure appropriate scope, the definition is more general than how the term was used in the proposed definition of joint research.

In § 231.116 of the final rule, the definition of “Semiconductor Manufacturing” is clarified to specify that it includes semiconductor wafer production, including the processes of wafer slicing, polishing, cleaning, epitaxial deposition, and metrology.

In § 231.117 of the final rule, the definition of “Semiconductor Manufacturing Capacity” is modified to address wafer production facilities, includes a capacity metric for semiconductor fabrication facility for wafers designed for wafer-to-wafer bonding structure, and is now measured on a yearly basis.

In § 231.118 of the final rule, the definition of “Semiconductors Critical to National Security” is modified to make a minor change to the description of FD-SOI semiconductors. The definition was also changed to clarify that the Secretary can designate additional categories of semiconductors critical to national security.

In the final rule, the term “Significant transaction,” which was proposed § 231.121 has been removed.

In § 231.119 of the final rule, the definition of “Significant Renovations” has been modified to emphasize that it is tied to the building of new cleanroom space or adding a production line or other physical space to an existing facility.

In § 231.120 of the final rule, the definition of “Technology Licensing” has been modified to clarify that it means an express or implied contractual agreement in which the rights owned by, licensed to or otherwise lawfully available to one party in any trade secrets or knowhow are sold, licensed or otherwise made available to another party. The definition also excludes licensing of patents, including licenses related to standard essential patents or cross licensing activities; licensing or transfer agreements conducted exclusively between a covered entity and related entities, or between or among entities that are related entities to the covered entity; removes reference to patents; standards-related activity (as such term is defined in 15 CFR part 772); agreements that grant patent rights only with respect to “published information” and no proprietary information is shared; implied or

general intellectual property licenses relating to the use of a product that is sold by a covered entity or related entities; technology licensing related to a manufacturing process for an existing product solely to enable use of assembly, test, or packaging services for integrated circuits; technology licensing involving two or more entities to establish or apply a drawing, design, or related specification for a product to be purchased and sold between or among such entities; warranty, service, and customer support performed by a covered entity or an entity that is a related entity of a covered entity; and disclosures of technical information to a customer solely for the design of integrated circuits to be manufactured by the funding recipient for that customer.

In § 231.121 of the final rule, the definition of “Technology or Product That Raises National Security Concerns” is modified to clarify that the Secretary can designate additional technologies or products that raise national security concerns. Minor technical corrections were also made.

Changes in Subpart B—General

In § 231.201 of the final rule, minor modifications were made to reflect changes to other parts of subpart B.

In § 231.202 of the final rule, the prohibition on certain expansion transactions was modified to conform with changes to definitions in the final rule, and to make other minor changes.

In § 231.203 of the final rule, the prohibition on certain joint research or technology licensing was modified to clarify that it only applies to the covered entity, and that the prohibition does not apply to joint research or technology licensing activities that relate to products or technology that raise national security concerns that were ongoing prior to the Secretary determining such products or technology raised national security concerns. It also requires that such joint research or licensing arrangements be memorialized in the required agreement.

In § 231.204 of the final rule, a new provision is added: “Additional conditions on certain joint research or technology licensing.” This new provision establishes that the Secretary is empowered to impose appropriate conditions on the covered entity to mitigate the risk of circumvention of the Technology Clawback. Such provisions would allow the Secretary to recover the entire Federal financial award or impose lesser consequences, such as requiring a mitigation agreement, if any related entity engages in joint research or

technology licensing that would violate the Technology Clawback if engaged in by the covered entity. For purposes of this condition, a related entity is any entity that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the covered entity.

§ 231.205 of the final rule, “Retention of Records,” is modified to clarify that the retention of records requirement applies to records related to significant transactions involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern, as well any records that relate to a transaction that is being reviewed by the Secretary that are maintained by the covered entity, a member of the affiliated group of the covered entity or by a related entity.

Changes in Subpart C—Notification, Review, and Recovery

In § 231.301 Procedures for notifying the Secretary of significant transactions: was modified to clarify that notification period aligns with the 10-year term of the Expansion Clawback. Minor technical corrections were also made.

In § 231.302 Contents of notifications; certifications: minor technical corrections were made.

In § 231.303 Response to notifications: changes were made to clarify that the Secretary can request additional information if a notice is deficient.

In § 231.304 Initiation of review: significant changes were made to clarify the process, standards, and timing of initiating a review.

In § 231.305 Procedures for review: significant changes were made to clarify the process, standards, and timing of a review, including the ability of a covered entity to seek reconsideration of an initial determination.

In § 231.306 Mitigation of national security risks: changes were made to clarify that the Secretary has discretion to waive the recovery of funds for violation of § 231.302 in circumstances where an appropriate mitigation agreement has been entered into and complied with by the covered entity.

In § 231.307 Review of actions that may violate the prohibition on certain joint research or technology licensing: the section was revised substantially to clarify the process, standards, and timing for the Secretary’s review of possible violations of the prohibitions on certain joint research or technology licensing.

In § 231.308 Recovery and other remedies: minor technical corrections were made.

Changes in Subpart D—Other Provisions

In § 231.401 Amendment: minor technical corrections were made.

In § 231.402 Submission of false information: minor technical changes are made.

A new section, § 231.403, was added to include a severability clause.

Classification

Executive Order 13132

This proposed rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255 (August 10, 1999)).

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule is significant as defined by Section 3(f)(1) for purposes of Executive Order 12866. A detailed regulatory impact assessment was published in the proposed rule and is not repeated in its entirety here. No public comments were received regarding the impact assessment, substantive portions of which are included below.

This rule limits the ability of covered entities to invest in new semiconductor manufacturing capacity in foreign countries of concern. This limitation is intended to ensure that federal funding is used consistent with the goals of the CHIPS Act to incentivize investment in semiconductor facilities and equipment in the United States. At this time, it is unknown how the investments in foreign countries of concern by those that are not covered entities will be affected.

Although the provisions in this rule prohibit covered entities from establishing most new manufacturing capacity in foreign countries of concern, covered entities with existing facilities in foreign countries of concern would be able to continue current operations. The rule also allows them to upgrade facilities and production lines at existing foreign facilities (in compliance with export controls) if overall production capacity is not increased. In addition, covered entities could modestly expand capacity at existing facilities producing mature (legacy) technology. Finally, this rule allows covered entities to make new investments in manufacturing capacity in foreign countries of concerns in the limited circumstance in which such production of legacy-level semiconductors would “predominately serve the market of the foreign country of concern.” These provisions ensure minimal disruptions to revenues, for the foreseeable future, to firms that

currently have productive capacity in foreign countries of concern. It is estimated that less than ten firms may be impacted.¹

This regulatory impact analysis does not consider the private costs to covered entities of limiting their investments in foreign countries of concern. In pursuing program funding, applicants are expected to weigh the private costs and benefits of the conditions for funding outlined by the provisions in this proposed rule. CHIPS Incentives Program funding is intended to complement, not replace, private investment and other sources of funding. Using \$39 billion in financial assistance, the CHIPS Incentives Program is designed to restore U.S. leadership in semiconductor manufacturing and innovation. Through the first funding opportunity, released February 28, 2023, the CHIPS Incentives Program aims to (1) to build at least two new large-scale cluster of leading-edge logic fabs, (2) to be home to multiple high-volume advanced packaging facilities, (3) to produce high-volume leading-edge dynamic random-access memory (DRAM) chips on economically competitive terms, and (4) to increase its production capacity for the current-generation and mature node chips that are most vital to U.S. economic and national security. To achieve these aims, the CHIPS Incentives Program funding awards are designed to catalyze private investment in the United States.

By restricting the ability of covered entities to invest in new semiconductor manufacturing capacity in foreign countries of concern, the proposed rule would also likely catalyze investment outside foreign countries of concern.

In particular, the demand for leading-edge, current, and mature semiconductors are estimated to increase significantly in the next decade, from approximately \$600 billion per year in 2022 to approximately \$1 trillion revenue per year within the next 10 years.² An increase in global productive capacity for a wide variety of semiconductors will be needed to supply the increased chip demand. The restriction on expanding manufacturing capacity in foreign countries of concern is likely to increase the need for additional capacity

¹ SEMI, *World Fab Forecast* (2022). These firms refer to those with productive capacity in countries of concern, are headquartered outside of countries of concern.

² Gartner, *Semiconductor Revenue Forecast* (January 2023); McKinsey & Company, *The Semiconductor Decade: A Trillion-Dollar Industry* (April 2022), available at <https://www.mckinsey.com/industries/semiconductors/our-insights/the-semiconductor-decade-a-trillion-dollar-industry>.

to be built outside foreign countries of concern.

Anticipated Transfers of Funds

Where the conditions in this final rule are violated, covered entities face the potential “clawback” of federal funding. For purposes of this analysis, the recovery of federal funding is considered to be a transfer of funds and could be of an equal amount of the funding award (plus interest) back to the government. This recovery of funds could have negative implications for the award recipients’ financial condition and, for public companies, could affect their stock valuation. The recovery of funds might also affect award recipients’ willingness or ability to continue constructing semiconductor facilities and equipment in the United States.

The potential clawback of funds is intended to serve as a significant deterrent to violating the conditions of an award. The Department, therefore, expects that few, if any, covered entities will violate the prohibitions laid out in this proposed rule. Damage to corporate reputation resulting from violating an agreement with the U.S. government, while not readily quantifiable, would also be a significant deterrent to violations. Thus, the likelihood of violations that result in a recovery of funding is small and the impact of the transfer is expected to be minimal across all incentives program participants. Furthermore, even in the unlikely event that a violation occurs and clawbacks become necessary, the impacted chipmakers are highly unlikely to abandon their finished or ongoing investments in the United States.

Two reasons make this outcome unlikely: First, because of the high fixed costs associated with chip production, companies are likely to either continue producing in facilities that are already built or finish building ongoing investment projects. Second, semiconductor production capacity is only likely to be built with a high degree of confidence of customer demand, usually with advanced purchases of wafer capacity prior to completion of the facility construction. Abandoning a finished or ongoing project could jeopardize customer relationships and ongoing revenue. The incentives associated with CHIPS are expected to incentivize applicants to locate their productive capacity within the United States. Once those decisions are made, and projects are underway, there would likely be significant costs to reverse such decisions.

Anticipated Reporting and Recordkeeping Costs

This rule establishes a notification requirement for covered entities that are planning certain transactions in foreign countries of concern. This notification requirement applies to recipients pursuing transactions that would: (1) expand existing capacity for manufacture of legacy semiconductors; or (2) provide new capacity for legacy semiconductors that primarily serve the market of the foreign country of concern.

The Department estimates that there are not more than a handful of potential CHIPS Incentives Program applicants with existing facilities in foreign countries of concern that may seek to expand manufacturing capacity under the provisions of this rule, and therefore expects few notifications. However, for purposes of this analysis, the Department has conservatively assumed a maximum of 10 notifications per year. The notifications would require general information about planned transaction, such as the names, location and ownership of the parties involved; information about the manufacturing facility such as current and proposed semiconductor production technology to determine if it meets the “legacy” requirement; current and proposed manufacturing capacity to determine if the “existing facility” definition is met; and information about the markets or end users for the semiconductors to be manufactured in the case of new capacity. Because the covered entities would have initiated and planned these transactions, the basic information required in the notification would be known and readily available, and the notification process itself is not expected to be burdensome. The Department estimates that it would take recipients two hours to provide each notification, or a total of 20 hours per year for all recipients.

Anticipated Administrative (Government) Costs

Once received, notifications will be evaluated by the Department as to whether the transactions meet one of the permissible criteria. This analysis will be performed by Department staff, including an anticipated initial review and, if necessary, consultation with industry and technology experts, as well as with the funding recipient. As the number of notifications that will be submitted each year is expected to be small, the staffing requirements for review and analysis of the notifications is also expected to be small. Assuming conservatively 10 notifications per year,

two senior analysts and two licensing officers/electronics engineers could handle notifications with a fraction of their annual time. The total estimated cost would be approximately \$110,000 per year (10 notifications * 4 staff at a GS-14 salary (\$137/hr)³ * 20 hours each to review for each notification).

The federal government may also incur costs for monitoring and enforcement efforts. Because the program is designed to deter violations, we expect that enforcement actions will rarely be needed. In those cases where the federal government will ultimately need to take enforcement action, the government will incur additional costs; however, the extent of those costs is currently unknown. Moreover, investments in semiconductor manufacturing are widely monitored and reported in the trade press. New or expanded semiconductor manufacturing capacity requires installation of expensive capital equipment and several years to bring into operation. It is unlikely that such expansions would go unnoticed. Therefore, to the extent that monitoring is required, we would expect that the government would incur limited costs.

Anticipated Benefits

The provisions in this proposed rule reinforce the benefits of the CHIPS Incentives Program by ensuring that funding goes toward increasing domestic manufacturing capacity and by discouraging investments in foreign countries of concern that would raise national security concerns. The domestic investments will advance U.S. economic and national security, enhance global supply chain resilience, and promote U.S. leadership in designing and building important semiconductor technologies. In particular, these investments will help address areas where the United States has fallen behind in semiconductor manufacturing. For example, although the United States remains a global leader in chip design and research and development, it has fallen behind in manufacturing and today accounts for only roughly 10 percent of commercial global production.⁴

³ This value takes the 2022 hourly wage rate \$68.55 for GS-14 step 5 employees in the Washington, DC region and multiplies by two to account for overhead and benefits. Wage information is available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB.pdf>.

⁴ The White House, “Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth: 100-Day Reviews under Executive Order 14017,” June 2021, 9.

The CHIPS Incentives Program is expected to catalyze long-term economically sustainable growth in the domestic semiconductor industry in support of U.S. economic and national security. The Program is also expected to facilitate private investments in large-scale U.S.-based production and research and development, as well as throughout the supply chain, attracting both existing and new private investors to the U.S. semiconductor ecosystem and encouraging innovative approaches to funding industry growth. These are investments in facilities and equipment in the United States that would not occur otherwise.

The \$39 billion of federal funding is intended to serve as a catalyst to galvanize private, state, and local investment in the semiconductor industry. It is expected that this funding will lay the groundwork for long-term growth and economic sustainability in the domestic semiconductor industry and promote the secure and resilient supply chains on which the sector relies. The industry, it is anticipated, will then produce, at scale, leading-edge logic and memory chips critical to the national security and U.S. economic competitiveness. The funding is further expected to support current-generation and mature-node technologies essential for economic and national security. The funding is also expected to lead to development of a robust and skilled workforce and a diverse base of suppliers for semiconductor production. The funding will support research and development that is expected to drive innovation in design, materials, and processes that will accelerate the industries of the future. Further, it is anticipated that the funding will support the broader U.S. economy, creating good jobs accessible to all, and supporting and growing local economies and communities.

Regulatory Flexibility Act

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 rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding the certification, and NIST has not received any new information that would affect its determination. As a result, a final regulatory flexibility

<https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>.

analysis was not required, and none was prepared.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB Control Number.

The proposed rule published on March 23, 2023 (88 FR 17439) discussed new requirements subject to the Paperwork Reduction Act. With this rule, NIST is establishing a notification requirement for covered entities planning to engage in any significant transaction involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern that may be permitted if certain conditions are met. In the proposed rule, NIST estimated the burden to the public for this notification will average 20 hours (10 respondents * 2 hours per response), including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information with an estimated total cost is \$110,000. No comments were received regarding this this information collection with the proposed rule.

With the publication of the final rule, NIST will be submitting a request to OMB for new OMB control number 0693-0096, Information Required from CHIPS Act Covered Entities Regarding Proposed Expansions of Semiconductor Manufacturing Capacity in Foreign Countries of Concern. The public may access this NIST request, including all supporting materials, at www.reginfo.gov/public/do/PRAMain and inserting the proposed OMB control number or the name of the collection.

List of Subjects in 15 CFR Part 231

Business and industry, Computer technology, Exports, Foreign trade, Grant programs, Investments (U.S. investments abroad), National defense, Government contracts, Research, Science & Technology, and Semiconductor chip products.

■ Under the authority of 15 U.S.C. 4651, *et seq.*, the National Institute of Standards and Technology adds part 231, subchapter C, to 15 CFR chapter II to read as follows:

SUBCHAPTER C—CHIPS PROGRAM

PART 231—CLAWBACKS OF CHIPS FUNDING

Sec.

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Authority: 15 U.S.C. 4651, *et seq.*

PART 231—CLAWBACKS OF CHIPS FUNDING

Subpart A—Definitions

§ 231.101 Existing facility.

Existing facility means:
(a) Any facility, the current status of which, including its semiconductor manufacturing capacity, is

memorialized in the required agreement entered into by the covered entity and the Secretary pursuant to 15 U.S.C. 4652(a)(6)(C) and based on the Secretary's assessments of historical capacity measurements. Only facilities built, equipped, and operating prior to entering into the required agreement are considered to be existing facilities. A facility that undergoes significant renovations not memorialized in the required agreement shall no longer qualify as an existing facility.

(b) Notwithstanding paragraph (a) of this section, in the case of a facility that is being equipped, expanded, or modernized at the time of entering into the required agreement, the Secretary may, at their discretion, memorialize the planned semiconductor manufacturing capacity of that facility or any appropriate lower semiconductor manufacturing capacity in the required agreement and deem such facility an existing facility.

§ 231.102 Foreign country of concern.

The term *foreign country of concern* means:

(a) A country that is a covered nation (as defined in 10 U.S.C. 4872(d)); and

(b) Any country that the Secretary, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, determines to be engaged in conduct that is detrimental to the national security or foreign policy of the United States.

§ 231.103 Foreign entity.

Foreign entity, as used in this part:

(a) Means—

(1) A government of a foreign country or a foreign political party;

(2) A natural person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual (as such term is defined in section 8 U.S.C. 1324b(a)(3)); or

(3) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; and

(b) Includes—

(1) Any person owned by, controlled by, or subject to the jurisdiction or direction of an entity listed in paragraph (a) of this section;

(2) Any person, wherever located, who acts as an agent, representative, or employee of an entity listed in paragraph (a) of this section;

(3) Any person who acts in any other capacity at the order, request, or under the direction or control of an entity listed in paragraph (a) of this section, or

of a person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by an entity listed in paragraph (a) of this section;

(4) Any person who directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise, owns 25 percent or more of the equity interests of an entity listed in paragraph (a) of this section;

(5) Any person with significant responsibility to control, manage, or direct an entity listed in paragraph (a) of this section;

(6) Any person, wherever located, who is a citizen or resident of a country controlled by an entity listed in paragraph (a) of this section; or

(7) Any corporation, partnership, association, or other organization organized under the laws of a country controlled by an entity listed in paragraph (a) of this section.

§ 231.104 Foreign entity of concern.

Foreign entity of concern means any foreign entity that is—

(a) Designated as a foreign terrorist organization by the Secretary of State under 8 U.S.C. 1189;

(b) Included on the Department of Treasury's list of Specially Designated Nationals and Blocked Persons (SDN List), or for which one or more individuals or entities included on the SDN list, individually or in the aggregate, directly or indirectly, hold at least 50 percent of the outstanding voting interest;

(c) Owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in 10 U.S.C. 4872(d));

(1) A person is owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country listed in 10 U.S.C. 4872(d) where:

(i) The person is:

(A) a citizen, national, or resident of a foreign country listed in 10 U.S.C. 4872(d); and

(B) located in a foreign country listed in 10 U.S.C. 4872(d);

(ii) The person is organized under the laws of or has its principal place of business in a foreign country listed in 10 U.S.C. 4872(d);

(iii) 25 percent or more of the person's outstanding voting interest, board seats, or equity interest is held directly or indirectly by the government of a foreign country listed in 10 U.S.C. 4872(d); or

(iv) 25 percent or more of the person's outstanding voting interest, board seats,

or equity interest is held directly or indirectly by any combination of the persons who fall within subsections (i)–(iii);

(d) Alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(1) The Espionage Act, 18 U.S.C. 792 *et seq.*;

(2) 18 U.S.C. 951;

(3) The Economic Espionage Act of 1996, 18 U.S.C. 1831 *et seq.*;

(4) The Arms Export Control Act, 22 U.S.C. 2751 *et seq.*;

(5) The Atomic Energy Act, 42 U.S.C. 2274, 2275, 2276, 2277, or 2284;

(6) The Export Control Reform Act of 2018, 50 U.S.C. 4801 *et seq.*;

(7) The International Economic Emergency Powers Act, 50 U.S.C. 1701 *et seq.*; or

(8) 18 U.S.C. 1030.

(e) Included on the Bureau of Industry and Security's Entity List (15 CFR part 744, supplement no. 4);

(f) Included on the Department of the Treasury's list of Non-SDN Chinese Military-Industrial Complex Companies (NS-CMIC List), or for which one or more individuals or entities included on the NS-CMIC list, individually or in the aggregate, directly or indirectly, hold at least 50 percent of the outstanding voting interest; or

(g) Determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States under this chapter.

§ 231.105 Joint research.

(a) *Joint research* means any research and development activity that is jointly undertaken by two or more parties, including any research and development activities undertaken as part of a joint venture as defined at 15 U.S.C. 4301(a)(6).

(b) Notwithstanding paragraph (a) of this section, the following is not joint research:

(1) A standards-related activity (as such term is defined in 15 CFR part 772);

(2) Research and development conducted exclusively between and among employees of a covered entity or between and among entities that are related entities to the covered entity;

(3) Research, development, or engineering related to a manufacturing process for an existing product solely to enable use of foundry, assembly, test, or packaging services for integrated circuits;

(4) Research, development, or engineering involving two or more entities to establish or apply a drawing, design, or related specification for a product to be purchased and sold between or among such entities; and

(5) Warranty, service, and customer support performed by a covered entity or an entity that is a related entity of a covered entity.

§ 231.106 Knowingly.

Knowingly means acting with knowledge that a circumstance exists or is substantially certain to occur, or with an awareness of a high probability of its existence or future occurrence. Such awareness can be inferred from evidence of the conscious disregard of facts known to a person or of a person's willful avoidance of facts.

§ 231.107 Legacy semiconductor.

(a) *Legacy semiconductor* means:

(1) For the purposes of a semiconductor wafer facility:
(i) A silicon wafer measuring 8 inches (or 200 millimeters) or smaller in diameter; or
(ii) A compound wafer measuring 6 inches (or 150 millimeters) or smaller in diameter.

(2) For the purposes of a semiconductor fabrication facility:

(i) A digital or analog logic semiconductor that is of the 28-nanometer generation or older (*i.e.*, has a gate length of 28 nanometers or more for a planar transistor);

(ii) A memory semiconductor with a half-pitch greater than 18 nanometers for Dynamic Random Access Memory (DRAM) or less than 128 layers for Not AND (NAND) flash that does not utilize emerging memory technologies, such as transition metal oxides, phase-change memory, perovskites, or ferromagnetics relevant to advanced memory fabrication; or

(iii) A semiconductor identified by the Secretary in a public notice issued under 15 U.S.C. 4652(a)(6)(A)(ii).

(3) For the purposes of a semiconductor packaging facility, a semiconductor that does not utilize advanced three-dimensional (3D) integration packaging, under paragraph (b)(3) of this section.

(b) Notwithstanding paragraph (a) of this section, the following are not legacy semiconductors:

(1) Semiconductors critical to national security, as defined in § 231.118;

(2) A semiconductor with a post-planar transistor architecture (such as fin-shaped field effect transistor (FinFET) or gate all around field-effect transistor); and

(3) A semiconductor utilizing advanced three-dimensional (3D)

integration packaging, such as by directly attaching one or more die or wafer, through silicon vias, through mold vias, or other advanced methods.

§ 231.108 Material expansion.

Material expansion means the increase of the semiconductor manufacturing capacity of an existing facility by more than five percent of the capacity memorialized in the required agreement due to the addition of a cleanroom, production line or other physical space, or a series of such additions.

§ 231.109 Members of the affiliated group.

Members of the affiliated group includes any entity that is a member of the covered entity's "affiliated group," as that term is defined under 26 U.S.C. 1504(a), without regard to 26 U.S.C. 1504(b)(3).

§ 231.110 Person.

The term *person* includes an individual, partnership, association, corporation, organization, or any other combination of individuals.

§ 231.111 Predominately serves the market.

Predominately serves the market means that at least 85 percent of the output of the semiconductor manufacturing facility (*e.g.*, wafers, semiconductor devices, or packages) by value is incorporated into final products (*i.e.*, not an intermediate product that is used as factor inputs for producing other goods) that are used or consumed in that market.

§ 231.112 Required agreement.

(a) *Required agreement* means the agreement that is entered into by a covered entity and the Secretary on or before the date on which the Secretary awards Federal financial assistance under 15 U.S.C. 4652. The required agreement shall include, *inter alia*, provisions describing the prohibitions on certain expansion transactions and on certain joint research or technology licensing.

(b) The required agreement shall memorialize:

(1) The covered entity's existing facilities in foreign countries of concern; and

(2) Any ongoing joint research or technology licensing activities with foreign entities of concern that relate to technology or products that raise national security concerns as identified by the Secretary.

(c) The required agreement may include additional terms to mitigate national security risks, including as contemplated in § 231.204.

(d) To the extent consistent with the requirements of 15 U.S.C. 4652 and these regulations, the Secretary and the covered entity may amend the required agreement by mutual consent.

§ 231.113 Research and development.

Research and development means theoretical analysis, exploration, or experimentation; or the extension of investigative findings and theories of a scientific or technical nature into practical application, including the experimental production and testing of models, devices, equipment, materials, and processes.

§ 231.114 Secretary.

Secretary means the Secretary of Commerce or the Secretary's designees.

§ 231.115 Semiconductor.

Semiconductor means an integrated electronic device or system most commonly manufactured using materials such as, but not limited to, silicon, silicon carbide, or III-V compounds, and processes such as, but not limited to, lithography, deposition, and etching. Such devices and systems include but are not limited to analog and digital electronics, power electronics, and photonics, for memory, processing, sensing, actuation, and communications applications.

§ 231.116 Semiconductor manufacturing.

Semiconductor manufacturing means semiconductor wafer production, semiconductor fabrication or semiconductor packaging. Semiconductor wafer production includes the processes of wafer slicing, polishing, cleaning, epitaxial deposition, and metrology. Semiconductor fabrication includes the process of forming devices such as transistors, poly capacitors, non-metal resistors, and diodes on a wafer of semiconductor material. Semiconductor packaging means the process of enclosing a semiconductor in a protective container (package) and providing external power and signal connectivity for the assembled integrated circuit.

§ 231.117 Semiconductor manufacturing capacity.

Semiconductor manufacturing capacity means the productive capacity of a facility for semiconductor manufacturing. In the case of a wafer production facility, semiconductor manufacturing capacity is measured in wafers per year. In the case of a semiconductor fabrication facility, semiconductor manufacturing capacity is measured in wafer starts per year. In the case of a semiconductor fabrication

facility for wafers designed for wafer-to-wafer bonding structure, semiconductor manufacturing capacity is measured in stacked wafers per year. In the case of a packaging facility, semiconductor manufacturing capacity is measured in packages per year.

§ 231.118 Semiconductors critical to national security.

Semiconductors critical to national security means:

- (a) Semiconductors utilizing nanomaterials, including 1D and 2D carbon allotropes such as graphene and carbon nanotubes;
- (b) Compound and wide- and ultra-wide bandgap semiconductors;
- (c) Radiation-hardened by process (RHBP) semiconductors;
- (d) Fully depleted silicon on insulator (FD-SOI) semiconductors, other than with regard to semiconductor packaging operations with respect to such semiconductors of a 28-nanometer generation or older;
- (e) Silicon photonic semiconductors;
- (f) Semiconductors designed for quantum information systems;
- (g) Semiconductors designed for operation in cryogenic environments (at or below 77 Kelvin); and
- (h) Any other semiconductors that the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, determines is critical to national security and issues a public notice of that determination.

§ 231.119 Significant renovations.

Significant renovations means building new cleanroom space or adding a production line or other physical space to an existing facility that, in the aggregate during the applicable term of the required agreement, increases semiconductor manufacturing capacity by 10 percent or more of the capacity memorialized in the required agreement.

231.120 Technology licensing.

Technology licensing means:

- (a) An express or implied contractual agreement in which the rights owned by, licensed to or otherwise lawfully available to one party in any trade secrets or knowhow are sold, licensed or otherwise made available to another party.
- (b) Notwithstanding paragraph (a) of this section, the following is not technology licensing:
 - (1) Licensing of patents, including licenses related to standard essential patents or cross licensing activities;
 - (2) Licensing or transfer agreements conducted exclusively between a covered entity and related entities, or

between or among related entities of the covered entity;

- (3) A standards-related activity (as such term is defined in 15 CFR part 772);
- (4) Agreements that grant patent rights only with respect to “published information” and no proprietary information is shared;
- (5) An implied or general intellectual property license relating to the use of a product that is sold by a covered entity or related entities;
- (6) Technology licensing related to a manufacturing process for an existing product solely to enable use of assembly, test, or packaging services for integrated circuits;
- (7) Technology licensing involving two or more entities to establish or apply a drawing, design, or related specification for a product to be purchased and sold between or among such entities;
- (8) Warranty, service, and customer support performed by a covered entity or an entity that is a related entity of a covered entity; and
- (9) Disclosures of technical information to a customer solely for the design of integrated circuits to be manufactured by the funding recipient for that customer.

§ 231.121 Technology or product that raises national security concerns.

A technology or product that raises national security concerns means:

- (a) Any semiconductor critical to national security;
- (b) Any item listed in Category 3 of the Commerce Control List (supplement no. 1 to part 774 of the Export Administration Regulations, 15 CFR part 774) that is controlled for National Security (“NS”) reasons, as described in 15 CFR 742.4, or Regional Stability (“RS”) reasons, as described in 15 CFR 742.6; and
- (c) Any other technology or product that the Secretary determines raises national security concerns.

Subpart B—General

§ 231.201 Scope.

This subpart sets forth the prohibitions to be implemented in the required agreements, as well as record retention requirements related to those prohibitions.

§ 231.202 Prohibition on certain expansion transactions. (Expansion Clawback)

- (a) During the 10-year period beginning on the date of the award of Federal financial assistance under 15 U.S.C. 4652, the covered entity and members of the affiliated group may not engage in any significant transaction

involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern; provided that this prohibition will not apply to—

- (1) Existing facilities or equipment of a covered entity or any member of the affiliated group for manufacturing legacy semiconductors; or
- (2) Significant transactions involving material expansion of semiconductor manufacturing capacity that—
 - (i) Produces legacy semiconductors; and
 - (ii) Predominately serves the market of a foreign country of concern.
- (b) No later than the date of the award of Federal financial assistance award under 15 U.S.C. 4652, the covered entity shall enter into a required agreement that contains this prohibition and otherwise implements the requirements of this part.

§ 231.203 Prohibition on certain joint research or technology licensing. (Technology Clawback)

- (a) During the applicable term of a Federal financial assistance award under 15 U.S.C. 4652, a covered entity may not knowingly engage in any joint research or technology licensing with a foreign entity of concern that relates to a technology or product that raises national security concerns.
- (b) Notwithstanding paragraph (a) of this section, this prohibition will not apply to joint research or technology licensing that relate to technology or products that raise national security concerns that were ongoing prior to the Secretary’s determination that such technology or products raised national security concerns. Any such ongoing joint research or technology licensing shall be memorialized in the required agreement.

§ 231.204 Additional conditions on certain joint research or technology licensing.

- (a) In addition to the conditions of the Technology Clawback (§ 231.203), the Secretary will specify, in the required agreement with the covered entity, any additional measures that covered entities must take to mitigate the risk of circumvention of the Technology Clawback, including measures that will allow the Secretary to recover up to the full amount of the Federal financial assistance provided to the covered entity, if, during the term applicable to the award, any related entity engages in joint research or technology licensing that would violate the Technology Clawback if engaged in by the covered entity.
- (b) For purposes of this rule, a related entity is any entity that directly, or

indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the covered entity.

§ 231.205 Retention of records.

(a) During the 10-year period beginning on the date of the Federal financial assistance award under 15 U.S.C. 4652 and for a period of seven years following any significant transaction involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern, a covered entity or member of the affiliated group planning or engaging in any such significant transaction involving the material expansion of semiconductor manufacturing capacity in a foreign country of concern shall maintain records related to the significant transaction in a manner consistent with the recordkeeping practices used in their ordinary course of business for such transactions.

(b) A covered entity that is notified that a transaction is being reviewed by the Secretary shall immediately take steps to retain all records relating to such transaction, including if those records are maintained by a member of the affiliated group or by related entities.

Subpart C—Notification, Review, and Recovery

§ 231.301 Procedures for notifying the Secretary of significant transactions.

During the 10-year period beginning on the date of the Federal financial assistance award under 15 U.S.C. 4652, the covered entity shall submit a notification to the Secretary regarding any planned significant transactions of the covered entity or members of the affiliated group that may involve the material expansion of semiconductor manufacturing capacity in a foreign country of concern, regardless of whether the covered entity believes the transaction falls within an exception in 15 U.S.C. 4652(a)(6)(C)(ii). A notification must include the information set forth in § 231.302 and be submitted to *notifications@chips.gov*.

§ 231.302 Contents of notifications; certifications.

The notification required by § 231.301 shall be certified by the covered entity's chief executive officer, president, or equivalent corporate officer, and shall contain the following information about the parties and the transaction, which must be accurate and complete:

(a) The covered entity and any member of the affiliated group that is party to the transaction, including for

each a primary point of contact, telephone number, and email address.

(b) The identity and location(s) of all other parties to the transaction.

(c) Information, including organizational chart(s), on the ownership structure of parties to the transactions.

(d) A description of any other significant foreign involvement, *e.g.*, through financing, in the transaction.

(e) The name(s) and location(s) of any entity in a foreign country of concern where or at which semiconductor manufacturing capacity may be materially expanded by the transaction.

(f) A description of the transaction, including the specific types of semiconductors currently produced at the facility planned for expansion, the current production technology node (or equivalent information) and semiconductor manufacturing capacity, as well as the specific types of semiconductors planned for manufacture, the planned production technology node, and planned semiconductor manufacturing capacity.

(g) If the covered entity asserts that the transaction involves the material expansion of semiconductor manufacturing capacity that produces legacy semiconductors that will predominately serve the market of a foreign country of concern, documentation as to where the final products incorporating the legacy semiconductors are to be used or consumed, including the percent of semiconductor manufacturing capacity or percent of sales revenue that will be accounted for by use or consumption of the final goods in the foreign country of concern.

(h) If applicable, an explanation of how the transaction meets the requirements, set forth in 15 U.S.C. 4652(a)(6)(C)(ii), for an exception to the prohibition on significant transactions that involve the material expansion of semiconductor manufacturing capacity, including details on the calculations for semiconductor manufacturing capacity and/or sales revenue by the market in which the final goods will be consumed.

§ 231.303 Response to notifications.

The Secretary will review the notification provided pursuant to § 231.301 for completeness, and may:

(a) Reject the notification, and, if so, inform the covered entity promptly in writing, if:

(1) The notification does not meet the requirements of § 231.302; or

(2) The notification contains apparently false or misleading information;

(b) Request additional information from the covered entity to complete the notification; or

(c) Accept the notification and initiate a review under § 231.304, and, if so, inform the covered entity promptly in writing.

§ 231.304 Initiation of review.

(a) The Secretary may initiate a review of a transaction:

(1) After accepting a notification pursuant to § 231.303(c); or

(2) Upon the Secretary's own initiative, where the Secretary believes that a transaction may be prohibited. In determining whether to initiate a review, the Secretary may consider all available information, including information submitted by persons other than the covered entity to *notifications@chips.gov*.

(b) Where the Secretary initiates review of a transaction under paragraph (a)(2) of this section, the Secretary will notify the covered entity promptly in writing.

(c) The Secretary will consult with the Secretary of Defense and the Director of National Intelligence upon the initiation of a review of any transaction.

§ 231.305 Procedures for review.

(a) During the review, the Secretary may request additional information from the covered entity. The covered entity shall promptly provide any additional information. The Secretary will determine whether the additional information is sufficient for the Secretary to complete the review, and may seek additional information from the covered entity if necessary. Where the Secretary has determined that the additional information is sufficient to allow the Secretary to complete the review, the Secretary will inform the covered entity in writing. The time periods for any determinations by the Secretary under this section will be tolled from the date on which the request for additional information is sent to the covered entity until the Secretary determines that the response is sufficient to complete the review.

(b) Not later than 90 days after a notification is accepted by the Secretary, or after the Secretary initiates a review under § 231.304(a)(2), and subject to any tolling pursuant to § paragraph (a) of this section, the Secretary will provide the covered entity an initial determination in writing as to whether the transaction would violate § 231.202. The initial determination may include a finding that the covered entity or a member of the affiliated group has violated § 231.202.

(c) If the Secretary's initial determination is that the transaction would violate § 231.202 or that the covered entity or a member of the affiliated group has violated § 231.202 by engaging in a prohibited significant transaction, then:

(1) The covered entity may within 14 days of receipt of the initial determination request that the Secretary reevaluate the initial determination, including by submitting additional information.

(2) If the covered entity does not make such a request within 14 days of receipt of the initial determination, the initial determination will become final. If the covered entity recipient does request a reconsideration of the initial determination, the Secretary will issue the final determination within 60 days after the receipt by the Secretary of the request for reconsideration.

(3) Upon the issuance of a final determination that a transaction would violate § 231.202 or that the covered entity or a member of the affiliated group has violated § 231.202 by engaging in a prohibited significant transaction, the covered entity must cease or abandon the transaction (or, if applicable, ensure that the member of the affiliated group ceases or abandons the transaction), and the covered entity's chief executive officer, president, or equivalent corporate official, must provide a signed letter electronically to notifications@chips.gov within 45 days of the final determination certifying that the transaction has ceased or been abandoned. Such letter must certify, under the penalties provided in the False Statements Accountability Act of 1996, as amended (18 U.S.C. 1001), that the information in the letter is accurate and complete.

(d) Unless recovery is waived pursuant to § 231.306, a violation of § 231.202 for engaging in a prohibited significant transaction or failing to cease or abandon a planned significant transaction that the Secretary has determined would be in violation of § 231.202 will result in the recovery of the full amount of the Federal financial assistance provided to the covered entity, which amount will be a debt owed to the U.S. Government.

(e) The running of any deadline or time limitation for the Secretary will be suspended during a lapse in appropriations.

§ 231.306 Mitigation of national security risks.

If the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence,

determines that a covered entity or member of the affiliated group is planning to undertake or has undertaken a significant transaction that violates or would violate § 231.202, the Secretary may seek to take measures in connection with the transaction to mitigate the risk to national security. Such measures may include the negotiation of an amendment to the required agreement (a "mitigation agreement") with the covered entity to mitigate the risk to national security in connection with the transaction. The Secretary has discretion to waive, in whole or part, recovery of the Federal financial assistance provided to the covered entity for violation of § 231.305(d) in circumstances where an appropriate mitigation agreement has been entered into and complied with by the covered entity. If a covered entity fails to comply with the mitigation agreement or if other conditions in the mitigation agreement are violated, the Secretary may recover the full amount of the Federal financial assistance provided to the covered entity.

§ 231.307 Review of actions that may violate the prohibition on certain joint research or technology licensing.

(a) The Secretary may initiate a review of any joint research or technology licensing the Secretary believes may be prohibited by § 231.203. In determining whether to initiate a review, the Secretary may consider all available information, including information submitted by persons other than a covered entity to notifications@chips.gov.

(b) If the Secretary opens an initial review, the Secretary will notify the covered entity in writing and may request additional information from the covered entity. The covered entity shall provide the additional information to the Secretary within three business days, or within a longer time frame if the covered entity requests in writing and the Secretary grants that request in writing.

(c) The Secretary may make an initial determination as to whether the covered entity violated § 231.203.

(d) If the Secretary's initial determination is that the covered entity did not violate § 231.203, the Secretary shall inform the covered entity in writing and close the review.

(e) If the Secretary's initial determination is that the covered entity violated § 231.203, the Secretary will provide that initial determination to the covered entity in writing.

(1) The covered entity may within 14 days of receipt of the initial determination request that the Secretary

reevaluate the initial determination, including by submitting additional information.

(2) If the covered entity does not make such a request within 14 days of receipt of the initial determination, the initial determination will become final. If the covered entity does request a reconsideration of the initial determination, the Secretary will issue the final determination within 45 days of the initial determination.

If the Secretary makes a final determination that an action violated § 231.203, the Secretary will recover the full amount of the Federal financial assistance provided to the covered entity, which will be a debt owed to the U.S. Government.

§ 231.308 Recovery and other remedies.

(a) Interest on a debt under § 231.305 or § 231.307 will be calculated from the date on which the Secretary provides a final notification that an action violated § 231.202 or § 231.203.

(b) The Secretary may take action to collect a debt under § 231.305 or § 231.307 if such debt is not paid within the time prescribed by the Secretary in the required agreement or mitigation agreement. In addition or instead, the matter may be referred to the Department of Justice for appropriate action.

(c) If the Secretary makes an initial determination that § 231.202 or § 231.203 have been violated, the Secretary may suspend Federal financial assistance.

(d) The recoveries and remedies available under this section are without prejudice to other available remedies, including remedies articulated in the required agreement or civil or criminal penalties.

Subpart D—Other Provisions

§ 231.401 Amendment.

Not later than August 9, 2024, and not less frequently than once every two years thereafter for the eight-year period after the last award of Federal financial assistance under 15 U.S.C. 4652 is made, the Secretary, after public notice and an opportunity for comment, if applicable and necessary, will issue a public notice identifying any additional semiconductors included in the meaning of the term "legacy semiconductor."

§ 231.402 Submission of false information.

Section 1001 of 18 U.S.C., as amended, shall apply to all information provided to the Secretary under 15 U.S.C. 4652 or under the regulations found in this part.

§ 231.403 Severability.

If any provision of this part or its application to any person, act, or practice is held invalid, the remainder of the part or the application of its provisions to any person, act, or practice shall not be affected thereby.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023–20471 Filed 9–22–23; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****31 CFR Part 525****Publication of Determination Pursuant to Section 1(a)(i) of Executive Order 14014**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of determination.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a sector determination issued pursuant to a February 10, 2021 Executive order. The determination was previously issued on OFAC's website.

DATES: The determination pursuant to section 1(a)(i) of Executive Order 14014 was issued on, and took effect on, August 23, 2023.

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

SUPPLEMENTARY INFORMATION:**Electronic Availability**

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

Background

On February 10, 2021, the President, invoking the authority of, *inter alia*, the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), issued Executive Order (E.O.) 14014 (86 FR 9429, February 12, 2021). Among other prohibitions, section 1(a) of E.O. 14014 blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any U.S. person of, any foreign person determined by the Secretary of the Treasury, in consultation with the

Secretary of State, to operate in the defense sector of the Burmese economy or any other sector of the Burmese economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State. On June 1, 2021, OFAC issued the Burma Sanctions Regulations to implement E.O. 14014 (86 FR 29197).

On August 23, 2023, pursuant to delegated authority, the Director of OFAC, in consultation with the Department of State, determined that the prohibitions in section 1(a)(i) of E.O. 14014 shall apply to the jet fuel sector of the Burmese economy. This determination took effect on August 23, 2023. The text of the determination is below.

OFFICE OF FOREIGN ASSETS CONTROL**Determination Pursuant to Section 1(a)(i) of Executive Order 14014****Jet Fuel Sector of the Burmese Economy**

Section 1(a)(i) of Executive Order (E.O.) 14014 of February 10, 2021 (“Blocking Property With Respect to the Situation in Burma”) imposes economic sanctions on any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to operate in such sectors of the Burmese economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State.

To further address the unusual and extraordinary threat to the national security and foreign policy of the United States described in E.O. 14014, and in consultation with the Department of State and pursuant to 31 CFR 525.802, I hereby determine that section 1(a)(i) of E.O. 14014 shall apply to the jet fuel sector of the Burmese economy. Any person determined, pursuant to section 1(a)(i) of E.O. 14014, to operate in the jet fuel sector of the Burmese economy shall be subject to sanctions pursuant to section 1(a)(i).

This determination shall take effect on August 23, 2023.

Bradley T. Smith
Deputy Director
Office of Foreign Assets Control
August 23, 2023

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2023–20713 Filed 9–22–23; 8:45 am]

BILLING CODE 4810–AL–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA–R06–OAR–2022–0307; FRL–10892–03–R6]

Air Plan Approval; Texas; Updates to Public Notice and Procedural Rules and Removal of Obsolete Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on August 24, 2023. The document issued a final rule approving portions of three revisions to the Texas State Implementation Plan (SIP) submitted by the Texas Commission on Environmental Quality (TCEQ) on July 9, 2021, and January 21, 2022, that update the air permitting program by removing obsolete provisions and enhancing public notice requirements of the air permitting program. This correction addresses errors in the amendatory language instructions published on August 24, 2023.

DATES: This rule is effective on September 25, 2023.

FOR FURTHER INFORMATION CONTACT:

Adina Wiley, EPA Region 6 Office, Air Permits Section, 214–665–2115, wiley.adina@epa.gov. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: In FR Doc. 2023–17945 appearing in the **Federal Register** on Thursday, August 24, 2023, the following corrections are made:

§ 52.2270 [Corrected]

■ 1. On page 57884, in the third column, in amendment 2, the instruction (i) is corrected to read “Revising the entries for Sections 39.405, 39.411, 39.412, 39.418, 39.419, 39.420, 39.601, 39.602, 39.603, 39.604, 55.154, 55.156, 101.306, 116.111, 116.112, 116.164, 116.196, 116.198, 116.310, 116.611, 116.615, 116.910, 116.911, 116.912, 116.916, 116.917, 116.918, 116.920, 116.930, and 116.1530.

■ 2. On page 57885, in the third column, in amendment 2, instruction (iii) is added to read “iii. Adding an entry for section 39.426” in numeric order under the headings Chapter 39—Public Notice; Subchapter H—Applicability and General Provisions.

Dated: September 18, 2023.

Earthea Nance,

Regional Administrator, Region 6.

[FR Doc. 2023–20666 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[EPA–R08–RCRA–2023–0034; FRL 10614–02–R8]

Wyoming: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The State of Wyoming Department of Environmental Quality has applied to the Environmental Protection Agency (EPA) for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and is authorizing the State's changes through this direct final action. The EPA uses the regulations entitled "Approved State Hazardous Waste Management Programs" to provide notice of the authorization status of State programs and to incorporate by reference those provisions of State statutes and regulations that will be subject to the EPA's inspection and enforcement. This rule also codifies in the regulations the approval of Wyoming's hazardous waste management program and incorporates by reference authorized provisions of the State's regulations.

DATES: This direct final rule is effective on November 24, 2023 unless the EPA receives adverse written comment by October 25, 2023. If the EPA receives any such comment, we will publish a timely withdrawal of this direct final rule in the **Federal Register** informing the public that the rule will not take effect. The Director of the Federal Register approves the incorporation by reference as of November 24, 2023, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–RCRA–2023–0034; FRL 10614–02–R8 by one of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the

online instructions for submitting comments.

2. *Email:* lin.moye@epa.gov.

3. *Fax:* (303) 312–6341 (prior to faxing, please notify the EPA contact listed below).

4. *Mail, Hand Delivery or Courier:* Moye Lin, Resource Conservation and Recovery Branch, EPA Region 8, Mailcode 8LCR–RC, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Courier or hand deliveries are only accepted during the Regional Office's normal hours of operation. The public is advised to call in advance to verify business hours. Special arrangements should be made for deliveries of boxed information.

Instructions: The EPA must receive your comments by October 25, 2023. Direct your comments to EPA–R08–RCRA–2023–0034; FRL 10614–02–R8. The EPA's policy is that all comments received will be included in the public docket without change and may be available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <https://www.regulations.gov>, or email. The Federal <https://www.regulations.gov> website is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment with any CD you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

will be publicly available only in hard copy. Publicly available docket materials are available electronically through <https://www.regulations.gov>. For alternative access to docket materials, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Moye Lin, Resource Conservation and Recovery Branch, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129; phone number (303) 312–6667; Email address: lin.moye@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Authorization of Revisions to Wyoming's Hazardous Waste Program

A. Why are revisions to State programs necessary?

States which have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273 and 279.

B. What authorization decisions has the EPA made in this rule?

On June 17, 2022, Wyoming submitted a program revision application seeking authorization of changes to its hazardous waste program. The EPA concludes that Wyoming's applications to revise its authorized program meet all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Wyoming final authorization to operate its hazardous waste program with the changes described in the authorization application. Wyoming has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs), and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA), for all areas within the State, except for (1) lands located within formal Indian Reservations within or abutting the State of Wyoming, including Wind River Indian Reservation, (2) any land held in trust by the United States for an Indian tribe, (3) and any other land,

whether on or off a reservation that qualifies as “Indian country” within the meaning of 18 U.S.C. 1151. New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Wyoming, including issuing permits, until Wyoming is authorized to do so.

C. What is the effect of today’s authorization decision?

The effect of this decision is that a facility in Wyoming subject to RCRA will have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. The State of Wyoming will continue to have enforcement responsibilities under its State hazardous waste program for violations of such program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Conduct inspections and require monitoring, tests, analyses, or reports;
- Enforce RCRA requirements; suspend or revoke permits; and
- Take enforcement actions after notice to and consultation with the State.

This action to approve these provisions would not impose additional requirements on the regulated community because the regulations for which the State of Wyoming is requesting authorization are already

effective under State law and are not changed by the act of authorization.

D. Why is the EPA using a direct final rule?

The EPA is publishing this rule without a prior proposal because we view this as a noncontroversial action and anticipate no adverse comment. However, in the “Proposed Rules” section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

E. What happens if the EPA receives comments opposing this action?

If the EPA receives comments that oppose this authorization, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in a later **Federal Register** document. You will not have another opportunity to comment, therefore, if you want to comment on this action, you must do so at this time.

F. For what has Wyoming previously been authorized?

Wyoming initially received Final authorization on October 4, 1995, effective October 18, 1995 (60 FR 51925) to implement the RCRA hazardous waste management program. We granted

authorization for changes to their program on: February 25, 1999, effective August 6, 2001 (56 FR 15503); however, this authorization was subsequently withdrawn on April 23, 1999 (64 FR 19925) and re-issued with the initial effective date of August 6, 2001 (66 FR 40911). Most recently, the EPA granted authorization for changes to Wyoming’s program on June 24, 2016, effective August 23, 2016 (81 FR 41229).

G. What changes is the EPA authorizing with this action?

On June 17, 2022, the State of Wyoming submitted a program revision application seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a final decision, subject to receipt of written comments that oppose this action, that Wyoming’s hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Therefore, we grant Wyoming final authorization for the following changes:

1. Program Revision Changes for Federal Rules

The State of Wyoming revisions consist of regulations which specifically govern Federal hazardous waste revisions promulgated between February 7, 2014, and July 7, 2020, Revision Checklists 231 through 243, (RCRA Clusters XXIII through XXIX). The State requirements from its Hazardous Waste Rules and Regulations, Chapter 1, General Provisions, Sections 1 through 279 are listed in the chart below.

Description of federal requirement	Federal Register date and page	Analogous State authority
Hazardous Waste Electronic Manifest Rule (Checklist 231).	79 FR 7518; 02/07/14	HWRR, Chapter 1, Sections 3(a)(vii), 260(a) intro., 262 intro., 263 intro., 263(b), 264(a) intro., 264(a)(vi), and 265(a) intro.
Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule (Checklist 232).	79 FR 36220; 6/26/14	HWRR, Chapter 1, Sections 260(a) intro., 261(a) intro., and 261(a)(ii) and (iii). [More stringent provision: 261(a)(iii)]
Revisions to the Definition of Solid Waste (Checklists 233A, B, C, D2, and E).	80 FR 1694–1814; 01/13/15. 83 FR 24664–24671; 05/30/18.	HWRR, Chapter 1, Sections 260(a) intro., 261(a) intro., 261(b)(i) and (ii), and 270(a) intro. [More stringent provision: 261(b)]
Response to Vacatures of the Comparable Fuels Rule and the Gasification Rule (Checklist 234).	80 FR 18777; 4/8/15	HWRR, Chapter 1, Section 2(b) and 261(a) intro.
Disposal of Coal Combustion Residuals from Electric Utilities (Checklist 235).	80 FR 21302; 4/17/15	HWRR, Chapter 1, Section 261(a) intro.
Imports and Exports of Hazardous Waste (Checklist 236).	81 FR 85696; 11/28/16 82 FR 41015; 8/29/17 83 FR 38263; 8/6/18	HWRR, Chapter 1, Sections 3(a)(vii), 260(a) intro., 261(a) intro., 261(a)(ii), 262 intro., 263 intro., 263(a), 263(b), 263(a)(iii) in 3/18/15 regs. [Removed], 264(a) intro., 264(a)(ii), 264(a)(vi), 265(a) intro., 265(a)(iii), 265(a)(iv), 266(a) intro., 267 intro., and 273(a) intro. [More stringent provision: 262(d)]

Description of federal requirement	Federal Register date and page	Analogous State authority
Hazardous Waste Generator Improvements Rule (Checklist 237).	81 FR 85732; 11/28/16	HWRR, Chapter 1, Sections 3(f), 260(a) intro., 261(a) intro., 261(a)(iv) in 3/18/15 regs. [Removed], 262 intro., 262(a)(i) in 3/18/15 regs. [Removed], 262(a)(vi) in 3/18/15 regs. [Removed], 262(b), 262(c), 262(e), 262(f), 263 intro., 264(a) intro., 265(a) intro., 266(a) intro., 267 intro., 268 intro., 270(a) intro., 273(a) intro., and 279 intro. [More stringent provision: 3(f), 262(f), 264(a) intro.]
Confidentiality Determinations for Hazardous Waste Export and Import Documents (Checklist 238).	83 FR 60894; 12/26/17	HWRR, Chapter 1, Sections 3(a)(vii), 260(a) intro. and 261(a) intro., 261(a)(ii)
Hazardous Waste Electronic Manifest User Fee Rule (Checklist 239).	83 FR 420; 01/03/18	HWRR, Chapter 1, Sections 3(a)(vii), 260(a) intro. 262 intro., 262(a)(iii), 263 intro., 263(a), 264(a) intro., and 265(a) intro. [More stringent provision: 262(d)]
Safe Management of Recalled Airbags (Checklist 240) ..	83 FR 61552; 11/30/18	HWRR, Chapter 1, Sections 260(a) intro., 261(a) intro., and 262 intro.
Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine (Checklist 241).	84 FR 5816; 02/22/19	HWRR, Chapter 1, Sections 261(a) intro., 262 intro., 264(a) intro., 265(a) intro., 266(a) intro., 268 intro., 270(a) intro., and 273(a) intro.
Universal Waste Regulations; Addition of Aerosol Cans Checklist 242).	84 FR 67202; 12/9/19	HWRR, Chapter 1, Sections 260(a) intro., 261(a) intro., 264(a) intro., 265(a) intro., 268 intro., 270(a) intro., and 273(a) intro.
Modernizing Ignitable Liquids Determinations (Checklist 243).	85 FR 40594; 07/7/20	HWRR, Chapter 1, Sections 260(a) intro. and 261(a) intro.

2. State-Initiated Changes

Wyoming has made amendments to its regulations that are not directly related to any of the Federal rules addressed in Item G.1 above. These State-initiated changes are either conforming changes made to existing authorized provisions, or the adoption of provisions that clarify and make the State’s regulations internally consistent. The State’s regulations, as amended by these provisions, provide authority which remains equivalent to and no less stringent than the Federal laws and regulations. These State-initiated changes are submitted under the requirements of 40 CFR 271.21(a) and include the following provisions from the Hazardous Waste Rules and Regulations (HWRR), Chapter 1, as amended, effective April 7, 2022: HWRR 2(c), 3(b) “Administrator” or “Regional Administrator”, 3(c) “Board” or “Environmental Appeals Board”, 3(g) “Qualified Professional Geologist”, 3(h) “RCRA”, 3(k) “United States” or “U.S.”, 4(a) “Air contaminant”, 4(b) “Air pollution”, 4(u) “One excess cancer per million people”, 4(v) “Potentially exposed populations”, 4(z) “Waste material”, 260(a)(i), 260(a)(ii), 264(a)(iv), 264(d)(iii) introductory paragraph, 264(h)(i) introductory paragraph, (A) and (B), 264(i)(viii), 264(j), 265(b), 266(b)(iv), 267(a), 270(a)(iv), and 270(a)(xviii).

H. Where are the revised State rules different from the Federal rules?

The Wyoming revisions being authorized in this rule include

provisions that contain purely Federal functions which are not delegable to States. The non-delegable Federal program areas include import/export requirements reserved as part of the Federal foreign relations function, and manifest registry and electronic manifest functions administered solely by the EPA. Wyoming has appropriately adopted these provisions by leaving the authority with the EPA for implementation and enforcement.

When revised State rules differ from the Federal rules in the RCRA State authorization process, the EPA determines whether the State rules are equivalent to, more stringent than, or broader in scope than the Federal program. Pursuant to RCRA section 3009, 42 U.S.C. 6929, State programs may contain requirements that are more stringent than the Federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent States from adopting regulations that are broader in scope than the Federal program, States cannot receive Federal authorization for such regulations, and they are not federally enforceable.

We consider the following State requirements to be more stringent than the Federal requirements: HWRR, Chapter 1, Sections 3(f), 3(g), 261(a)(iii), 261(b), 262(d), and 262(f), for the following reasons.

At Sections 3(f) and 3(g), Wyoming requires both professional engineers and professional geologists to be registered in the State when referring to activities

requiring Professional Engineer or Professional Geologist certification.

At 261(a)(iii), 262(a)(v), 262(d), and 262(f), Wyoming requires copies of necessary notifications and reports be made and submitted to the Director or State agency in addition to the required Federal notification or reporting.

The State did not make any changes that are broader-in-scope than the Federal rules in this rulemaking. In addition, Wyoming did not change any previously more stringent or broader-in-scope provisions to be equivalent to the Federal rules.

I. Who handles permits after the authorization takes effect?

The State of Wyoming will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization, until Wyoming has equivalent instruments in place. The EPA will implement and issue permits for HSWA requirements for which Wyoming is not yet authorized.

J. How does today’s action affect Indian Country (18 U.S.C.1151) in Wyoming?

Wyoming is not authorized to carry out its hazardous waste program in Indian country, as defined in 18 U.S.C. 1151. This includes, but is not limited to:

1. Lands within the exterior boundaries of the following Indian

Reservations located within or abutting the State of Wyoming:

- a. Wind River Indian Reservation
2. Any land held in trust by the U.S. for an Indian tribe; and
3. Any other land, whether on or off a reservation that qualifies as Indian country within the meaning of 18 U.S.C. 1151.

Therefore, this program revision does not extend to Indian country where the EPA will continue to implement and administer the RCRA program.

II. Incorporation by Reference

Codification is the process of including the statutes and regulations that comprise the State's authorized hazardous waste management program into the CFR. Section 3006(b) of RCRA, as amended, allows the Environmental Protection Agency (EPA) to authorize State hazardous waste management programs. The EPA is incorporating by reference EPA's approval of Wyoming's hazardous waste management program by amending Subpart ZZ to 40 CFR part 272. The action amends § 272.2551 and incorporates by reference Wyoming's authorized hazardous waste regulations, as amended effective April 7, 2022. The State regulations authorized by EPA supplant the Federal regulations concerning the same matter with the result that after authorization EPA enforces the authorized regulations as described in paragraphs I. and II in this Supplementary Information. The EPA has made these documents available electronically through <https://www.regulations.gov> and will continue to make these documents available. For alternative access to docket materials, please contact the person identified in the ADDRESSES section of this preamble.

III. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Therefore, this action is not subject to review by OMB. This action authorizes and codifies State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes and codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it 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). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes and codifies State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA.

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule authorizes pre-existing State rules which are at least equivalent to, and no less stringent than existing Federal requirements and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document 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 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). This action will be effective November 24, 2023.

List of Subjects

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 272

Hazardous materials transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

Authority: This rule is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 31, 2023.

KC Becker,

Regional Administrator, Region 8.

For the reasons set forth in the preamble, under the authority at 42 U.S.C. 6912(a), 6926, and 6974(b), the EPA is amending 40 CFR part 272 as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Revise § 272.2551 to read as follows:

§ 272.2551 Wyoming State-Administered Program: Final Authorization.

(a) *History of the State of Wyoming authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Wyoming has final authorization for the following elements as submitted to the EPA in Wyoming's base program application for final authorization which was approved by the EPA effective on October 18, 1995. Subsequent program revision applications were approved effective on August 6, 2001, August 23, 2016, and November 24, 2023.

(b) *Enforcement authority.* The State of Wyoming has primary responsibility for enforcing its hazardous waste management program. However, the EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations—*(1) *Incorporation by reference.* The Wyoming regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* 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. For the availability of this information at the National Archives and Records Administration (NARA) and at the EPA, see § 272.2. You may access copies of the Wyoming regulations that are incorporated by reference in this paragraph from the

Wyoming Secretary of State's Office, Herschler Building East, 122 West 25th Street, Suite 100, Cheyenne, WY 82002–0020, (Phone: (307) 777–5847; website: <https://rules.wyo.gov/>).

(i) “EPA-Approved Wyoming Regulatory Requirements Applicable to the Hazardous Waste Management Program,” dated December 2022.

(ii) [Reserved]

(2) *Legal basis.* The following provisions provide the legal basis for the State's implementation of the hazardous waste program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Wyoming Statutes Annotated (W.S.), as amended, 2021 Edition, Title 16, City, County, State, and Local Powers: Chapter 1, Intergovernmental Cooperation, section 16–1–101; Chapter 3, Administrative Procedure, sections 16–3–101(b)(vi), 16–3–103(h), 16–3–107(k); Chapter 4, Uniform Municipal Fiscal Procedures, Public Records, Documents and Meetings, sections 16–4–201 through 16–4–205.

(ii) W.S., as amended, 2021 Edition, Title 35, Public Health and Safety: Chapter 11, Environmental Quality, Article 1, General Provisions, sections 35–11–102, 35–11–103(a), 35–11–103(d)(i), 35–11–103(d)(ii), 35–11–103(d)(vii), 35–11–104 through 35–11–106, 35–11–108 through 35–11–115; Article 5, Solid Waste Management, sections 35–11–501 through 35–11–503 (except 35–11–503(b) and (c)), 35–11–504 through 35–11–506, 35–11–508, 35–11–509, 35–11–514, 35–11–516, 35–11–518 through 35–11–520; Article 9, Penalties, sections 35–11–901(a), (j), and (k); Article 11, Miscellaneous Provisions, sections 35–11–1101, 35–11–1105(d), 35–11–1106(a)(iv); Article 16, Voluntary Remediation of Contaminated Sites, section 35–11–1607(e).

(iii) Wyoming Rules of Civil Procedure, as amended, Rule 24.

(iv) Wyoming Hazardous Waste Rules and Regulations, Chapter 1, General Provisions: sections 1(a) through (c); 2(a) (except (a)(1)), (d) and (e); 124 (except 124(g)(v)); 260(b)(ii); and 270(m) through 270(o).

(v) Wyoming Department of Environmental Quality, Rules of Practice and Procedure, as amended February 14, 1994, Chapter III.

(3) *Related legal provisions.* The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference and are not federally enforceable:

(i) W.S., as amended, 2021 Edition, Title 35, Public Health and Safety:

Chapter 11, Environmental Quality, Article 5, Solid Waste Management, section 35–11–517; Chapter 12, Industrial Development and Siting, sections 35–12–101, *et seq.*

(ii) Wyoming Solid and Hazardous Waste Management Rules, Chapter 1, General Provisions: sections 264(d)(i) [with respect to the Wyoming Voluntary Remediation Program only]; 264(d)(ii); and 270(l).

(iii) [Reserved]

(4) *Unauthorized State Amendments.* Wyoming has adopted but is not authorized for the following Federal final rules:

(i) Imports and Exports of Hazardous Waste: Implementation of OECD Council Division (61 FR 16290, April 12, 1996) (HSWA—Not delegable to States); and

(ii) OECD Requirements; Export Shipments of Spent Lead Acid Batteries (75 FR 1236, January 8, 2010) (Non-HSWA—Not delegable to States).

(iii) Those Federal rules written under RCRA provisions that predate HSWA (non-HSWA) which the State has adopted, but for which it is not authorized, are not Federally enforceable. In contrast, the EPA will continue to enforce the Federal HSWA standards for which Wyoming is not authorized until the State receives specific authorization from the EPA.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between the EPA Region 8 and the State of Wyoming, signed by the State of Wyoming Department of Environmental Quality on March 7, 2016, and by the EPA Regional Administrator on July 28, 2016, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Independent Legal Counsel Statement”, accompanied by an Attorney General concurrence letter signed by the Attorney General of Wyoming on July 14, 1995, and revisions, supplements and addenda to that Statement accompanied by Attorney General concurrence letters dated December 9, 1997, May 11, 2015, and May 25, 2022, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program

under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

■ 3. Appendix A to part 272, State Requirements, is amended by revising the listing for “Wyoming” to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

Wyoming

The regulatory provisions include: Wyoming Hazardous Waste Rules and Regulations, as amended effective April 7, 2022, Chapter 1, General Provisions, sections 2(b), 2(c); 3; 4; 124(g)(v); 260 (except 260(b)(ii)); 261; 262; 263; 264(a) through 264(c), 264(d)(i) (except the citation “W.S. 35–11–1607” and the phrase “or a signed remedy agreement pursuant to W.S. 35–11–1607” in the first sentence), 264(d)(iii), 264(e) through 264(j); 265; 266; 267; 268; 270(a) through 270(k); 273; and 279.

Copies of the Wyoming regulations that are incorporated by reference are available from the Wyoming Secretary of State’s Office, Herschler Building East, 122 West 25th Street, Suite 100, Cheyenne, WY 82002–0020, (Phone: (307) 777–5847; website: <https://rules.wyo.gov/>).

[FR Doc. 2023–20523 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140722613–4908–02; RTID 0648–XD394]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; Commercial Closure for Atlantic Spanish Mackerel in the Northern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for commercial Spanish mackerel in the northern zone of the Atlantic exclusive economic zone (EEZ). NMFS projects that the commercial quota for Spanish mackerel in the northern zone of the Atlantic EEZ has been reached. Therefore, NMFS closes the northern zone for commercial harvest of Spanish mackerel to protect the Spanish mackerel resource in the Atlantic.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on

September 25, 2023, through February 29, 2024.

FOR FURTHER INFORMATION CONTACT:

Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All weights described for Spanish mackerel in the Atlantic EEZ apply as either round or gutted weight.

The commercial annual catch limit (equal to the commercial quota) for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) is 3.33 million lb (1.51 million kg). Atlantic Spanish mackerel are divided into northern and southern zones for management purposes. The commercial quota for Atlantic Spanish mackerel in the northern zone is 662,670 lb (300,582 kg) for the current fishing year, which is March 1, 2023, through February 29, 2024 (50 CFR 622.384(c)(2)(i)).

The northern zone for Spanish mackerel extends in the Atlantic EEZ from New York through North Carolina. The northern boundary of the northern zone extends from an intersection point off New York, Connecticut, and Rhode Island at 41°18′16.249″ N latitude and 71°54′28.477″ W longitude, and proceeds southeast to 37°22′32.75″ N latitude and the intersection point with the outward boundary of the EEZ. The southern boundary of the northern zone extends from the North Carolina and South Carolina state border along a line in a direction of 135°34′55″ from true north beginning at 33°51′07.9″ N latitude and 78°32′32.6″ W longitude to the intersection point with the outward boundary of the EEZ (50 CFR 622.369(b)(2)). See Figure 2 of appendix G to part 622—Spanish Mackerel for an illustration of the management zones.

Regulations at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the northern zone when the commercial quota for that zone is reached, or is projected to be reached, by filing such a notification with the Office of the Federal Register. NMFS projects that the

commercial quota of 662,670 lb (300,582 kg) for Atlantic Spanish mackerel in the northern zone has been reached.

Accordingly, the commercial sector for Atlantic Spanish mackerel in the northern zone is closed effective at 12:01 a.m. eastern time on September 25, 2023, through February 29, 2024, the end of the current fishing year.

During the commercial closure, a person on a vessel that has been issued a valid Federal commercial permit to harvest Atlantic Spanish mackerel may continue to retain this species in the northern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (2)(i), if recreational harvest of Atlantic Spanish mackerel in the northern zone has not been closed (50 CFR 622.384(e)(1)).

Also during the closure, Atlantic Spanish mackerel from the northern zone, including those fish harvested under the recreational bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the northern zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor (50 CFR 622.384(e)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.388(d)(1)(i), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and the associated AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect Atlantic Spanish mackerel, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could result in additional harvest in exceedance of the established commercial quota.

For the same reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 20, 2023.

Kelly Denit,

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

[FR Doc. 2023-20715 Filed 9-20-23; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160906822-7547-02; RTID 0648-XD370]

Snapper-Grouper Fishery of the South Atlantic; 2023 Recreational Harvest Closure of Hogfish Off Georgia, South Carolina, and North Carolina in the South Atlantic

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the recreational harvest of hogfish off Georgia, South Carolina, and North Carolina in the South Atlantic exclusive economic zone (EEZ). NMFS estimates that recreational landings of hogfish harvested off Georgia through North Carolina have exceeded the recreational annual catch limit (ACL). Therefore, NMFS closes the recreational sector for hogfish in the EEZ off Georgia through North Carolina to protect the hogfish resource.

DATES: This temporary rule is effective from September 26, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727-824-5305, email: frank.helies@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic EEZ includes hogfish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In the South Atlantic EEZ, hogfish are managed as two separate stocks: one stock that exists off Georgia, South Carolina, and North Carolina (Georgia-North Carolina), and another stock that exists off the Florida Keys and east Florida. This temporary rule applies only to the recreational harvest of hogfish in the EEZ off Georgia-North Carolina.

The recreational ACL for hogfish off Georgia-North Carolina is 988 fish (50 CFR 622.193(u)(1)(iii)(B)). The AMs for hogfish off Georgia-North Carolina require NMFS to close the recreational harvest for the remainder of the fishing year if landings reach or are projected to reach the recreational ACL (50 CFR 622.193(u)(1)(ii)(A)). The NMFS Southeast Fisheries Science Center estimates that recreational landings of hogfish harvested from the EEZ off Georgia-North Carolina have reached and likely exceeded the recreational ACL. Therefore, this temporary rule implements the AM to close the recreational harvest of hogfish in the EEZ off Georgia-North Carolina for the remainder of the fishing year, which continues through December 31, 2023. During this recreational closure, the recreational bag and possession limits for hogfish off Georgia-North Carolina in or from South Atlantic EEZ are zero fish.

The recreational harvest for hogfish off Georgia-North Carolina for the 2024

fishing year will open again on January 1.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(u)(1)(ii)(A), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the recreational ACL and AMs for hogfish was already subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect hogfish off Georgia-North Carolina. The recreational ACL for hogfish off Georgia-North Carolina in the South Atlantic has been reached and likely exceeded, and prior notice and opportunity for public comment would require more time and result in further recreational harvest in excess of the established ACL.

For the reasons just stated, there is also good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: September 20, 2023.

Kelly Denit,

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

[FR Doc. 2023-20705 Filed 9-20-23; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 88, No. 184

Monday, September 25, 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 ENERGY

10 CFR Part 431

[EERE-2017-BT-STD-0022]

RIN 1904-AE47

Energy Conservation Program: Energy Conservation Standards for Automatic Commercial Ice Makers

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

ACTION: Notification of data availability and request for comment.

SUMMARY: On May 11, 2023, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking (“NOPR”), in which DOE proposed new and amended energy conservation standards for automatic commercial ice makers. In this notification of data availability (“NODA”), DOE is updating its analysis for automatic commercial ice makers based on information DOE received related to harvest rate cutoffs in response to DOE’s May 11, 2023 NOPR. DOE requests comments, data, and information regarding the updated analysis.

DATES: DOE will accept comments, data, and information regarding this NODA no later than October 25, 2023.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at www.regulations.gov under docket number EERE-2017-BT-STD-0022. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2017-BT-STD-0022, by any of the following methods:

(1) *Email:* ACIM2017STD0022@ee.doe.gov. Include the docket number EERE-2017-BT-STD-0022 in the subject line of the message.

(2) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building

Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 287-1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

(3) *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at www.regulations.gov/docket/EERE-2017-BT-STD-0022. The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-0729. Email:

ApplianceStandardsQuestions@ee.doe.gov.

Ms. Kristin Koernig, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-3595. Email: Kristin.Koernig@hq.doe.gov.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment

Standards Program staff at (202) 287-1445 or by email:

ApplianceStandardsQuestions@ee.doe.gov.

SUPPLEMENTARY INFORMATION:

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- III. Public Participation

I. Background

The Energy Policy and Conservation Act, Public Law 94-163, as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part C of EPCA² established the Energy Conservation Program for Certain Industrial Equipment. (42 U.S.C. 6311-6317) This includes automatic commercial ice maker (“ACIM”) equipment, the subject of this rulemaking.

On May 11, 2023, DOE published a NOPR (“May 2023 ACIM NOPR”) proposing to establish new and amended standards for automatic commercial ice makers. 88 FR 30508. DOE proposed that compliance with the new and amended standards would be required 3 years after the publication date of the final rule, should DOE finalize the proposed standards. 88 FR 30508, 30510. The technical support document (“TSD”) that presented the methodology and results of the May 2023 ACIM NOPR analysis is available at www.regulations.gov/document/EERE-2017-BT-STD-0022-0032.

On June 14, 2023, DOE held a public webinar (“June 2023 Public Webinar”) in which it presented a general overview of the topics addressed in this rulemaking, allowed time for prepared

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020), which reflects the last statutory amendments that impact Parts A and A-1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A-1.

general statements by participants, and encouraged all interested parties to share their views on issues affecting this rulemaking.

Upon consideration of the views shared in the June 2023 Public Webinar and public comments DOE received in response to the May 2023 ACIM NOPR, DOE is considering changes to some of the equipment classes discussed in the May 2023 ACIM NOPR. This NODA presents alternative equipment classes under consideration as well as updated efficiency levels, life-cycle costs (“LCC”), payback periods (“PBP”), and manufacturer impact analysis (“MIA”) results for these equipment classes. DOE is requesting comments, data, and information regarding the updated analysis.

DOE notes that it is continuing to consider all of the stakeholder comments received in response to the May 2023 ACIM NOPR and the June 2023 Public Webinar in further development of the rulemaking. Furthermore, as noted in the May 2023 ACIM NOPR, based on consideration of the public comments DOE receives in response to this document and related information collected and analyzed during the course of this rulemaking effort, DOE may adopt energy efficiency levels that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

II. Discussion

In the following sections, DOE details its updated analysis for automatic commercial ice makers.

A. Engineering Analysis

1. Efficiency Analysis

DOE reviewed public comments from the June 2023 Public Webinar and in response to the May 2023 ACIM NOPR related to harvest rate cutoffs.

In this NODA, DOE updates the analysis for two directly analyzed equipment classes and two secondary equipment classes and creates four new secondary equipment classes as a result of the updated analysis in response to DOE’s review of comments related to harvest cutoff rates. These updated equipment classes are listed in Table II.1 and Table II.2. DOE also updates the map of secondary classes to the associated directly analyzed equipment class as presented in Table II.3 based on the new and updated equipment classes. DOE bases these updates on public comments DOE received in response to the May 2023 ACIM NOPR and the June 2023 Public Webinar. Specifically, comments from the Air Conditioning, Heating, and Refrigeration Institute (“AHRI”) ³ and Hoshizaki America, Inc., (“Hoshizaki”) ⁴ indicated that a harvest rate of up to 1,500 pounds per day (“lb/day”) for automatic commercial ice makers using R–290 is not feasible in all

cases for the 500-gram R–290 charge limit and that the baseline levels for automatic commercial ice makers, which DOE based on design changes made by manufacturers in response to the December 2022 EPA NOPR, are not consistent with testing on the equipment. In response to the May 2023 ACIM NOPR, AHRI and Hoshizaki stated that some manufacturer design plans are speculating at 1,000 lb/day for batch type ice makers and 1,200 lb/day for continuous type ice makers. (AHRI, No. 50 at p. 5; Hoshizaki, No. 47 at p. 3) ⁵ Hoshizaki commented in the June 2023 Public Webinar that Hoshizaki’s research and work towards switching condensers points to 1,000 lb/day for batch type ice makers and 1,200 lb/day for continuous type ice makers rather than the harvest rate of up to 1,500 pounds per day lb/day in the May 2023 ACIM NOPR. (Hoshizaki, No. 55 at pp. 20–21) Hoshizaki suggested that the May 2023 ACIM NOPR should be reviewed for this discrepancy and reflect curves that will meet these criteria and allow for achievable standards. (Hoshizaki, No. 47 at p. 3)

After consideration of these public comments, DOE has updated the May 2023 ACIM NOPR analysis to reflect the harvest rate cutoff for R–290 at 1,000 lb/day for batch type ice makers and 1,200 lb/day for continuous type ice makers.

TABLE II.1—BATCH EQUIPMENT CLASSES ANALYZED IN THIS NODA

Equipment type	Condenser cooling type	Harvest rate (lb/24 hours)	Directly analyzed equipment class
Ice-Making Head	Water	≥785 and ≤1,000.	✓
	Air	>1,000 and <1,500	
	Air	≥727 and ≤1,000.	✓
		>1,000 and <1,500	

TABLE II.2—CONTINUOUS EQUIPMENT CLASSES ANALYZED IN THIS NODA

Equipment type	Condenser cooling type	Harvest rate (lb/24 hours)	Directly analyzed equipment class
Ice-Making Head	Water	≥801 and ≤1,200.	
		>1,200 and <1,500.	
	Air	≥820 and ≤1,200.	
		>1,200 and <1,500.	

TABLE II.3—MAP OF SECONDARY CLASSES TO THE ASSOCIATED DIRECTLY ANALYZED EQUIPMENT CLASS IN THIS NODA

Secondary equipment class	Associated directly analyzed equipment class
B–IMH–W (≥785 and ≤1,000)	B–IMH–W (≥300 and <785).
B–IMH–W (≥1,500 and <2,500)	B–IMH–W (>1,000 and <1,500).

³ See www.regulations.gov/comment/EERE-2017-BT-STD-0022-0050.

⁴ See www.regulations.gov/comment/EERE-2017-BT-STD-0022-0047 for comments in response to the May 2023 ACIM NOPR. See www.regulations.gov/document/EERE-2017-BT-STD-0022-0055 for

comments provided in the June 2023 Public Webinar.

⁵ The parenthetical reference provides a reference for information located in the docket of DOE’s rulemaking to develop energy conservation standards for automatic commercial ice makers.

(Docket No. EERE–2017–BT–STD–0022, which is maintained at www.regulations.gov). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

TABLE II.3—MAP OF SECONDARY CLASSES TO THE ASSOCIATED DIRECTLY ANALYZED EQUIPMENT CLASS IN THIS NODA—Continued

Secondary equipment class	Associated directly analyzed equipment class
B-IMH-W (≥2,500 and <4,000)	B-IMH-W (>1,000 and <1,500).
B-IMH-A (≥727 and ≤1,000)	B-IMH-A (≥300 and <727).
B-IMH-A (≥1500 and <4,000)	B-IMH-A (>1,000 and <1,500).
C-IMH-W (≥801 and ≤1,200)	C-IMH-W (>50 and <801).
C-IMH-W (>1,200 and <1,500)	C-IMH-W (>50 and <801).
C-IMH-A (≥820 and ≤1,200)	C-IMH-A (≥310 and <820).
C-IMH-A (>1,200 and <1,500)	C-IMH-A (≥310 and <820).

DOE requests comment on the equipment class and secondary mapping updates in this NODA.

a. Baseline Energy Use

For this NODA, DOE updates the baseline for the two directly analyzed equipment classes shown in Table II.4. For these classes, DOE considers the current standards as the baseline energy

use instead of an energy use reduction below the DOE energy conservation standard because DOE has tentatively determined that a harvest rate of up to 1,500 lb/day for automatic commercial ice makers using R-290 is not feasible in all cases. Consistent with the May 2023 ACIM NOPR, DOE expects that the baseline level for these equipment classes is equal to the current DOE

ACIM energy conservation standard level, and that equipment costs and manufacturer investments required to comply with the refrigerant restrictions proposed in the U.S. Environmental Protection Agency’s NOPR published on December 15, 2022 (see 87 FR 76738) will be in effect prior to the time of compliance for the proposed amended DOE ACIM standards.

TABLE II.4—BASELINE ENERGY USE OF DIRECTLY ANALYZED CLASSES IN THIS NODA

Directly analyzed equipment class	Representative harvest rate	Energy use reduction below DOE standard (%)
B-IMH-W (>1,000 and <1,500)	1470	0
B-IMH-A (>1,000 and <1,500)	1331	0

DOE requests comment on the baseline energy use updates in this NODA.

b. Higher Efficiency Levels

For the two directly analyzed classes presented in Table II.1, DOE maintains

the same design options, design option energy use reduction methodology, and design option cost methodology as the May 2023 ACIM NOPR. See 87 FR 30508, 30534–30535.

B. Efficiency Levels

Table II.5 and Table II.6 present the results of the NODA engineering analysis for each directly analyzed equipment class.

TABLE II.5—COST-EFFICIENCY RESULTS FOR B-IMH-W
[>1,000 and <1,500]

Energy consumption (kWh/100 lb)	% Energy use reduction (from baseline)	Manufacturer production cost	Manufacturer selling price	Design option change
4.01	0.0	\$2,125.34	\$2,656.68	
4.01	0.1	2,136.81	2,671.01	SPM -> PSC Pump Motor.
3.85	4.0	2,406.81	3,008.51	Drain Water Heat Exchanger.
3.85	4.2	2,446.47	3,058.09	PSC -> ECM Pump Motor.

Representative Harvest Rate = 1,470 lb/24 hours.

TABLE II.6—COST-EFFICIENCY RESULTS FOR B-IMH-A
[>1,000 and <1,500]

Energy consumption (kWh/100 lb)	% Energy use reduction (from baseline)	Manufacturer production cost	Manufacturer selling price	Design option change
4.71	0.0	\$2,052.12	\$2,565.16	
4.56	3.3	2,080.20	2,600.25	SPM > PSC Condenser Fan Motor.
4.38	7.0	2,187.52	2,734.40	PSC -> ECM Condenser Fan Motor.
4.34	8.0	2,219.29	2,774.11	Tube & Fin to Microchannel Condenser.
4.33	8.1	2,230.75	2,788.44	SPM -> PSC Pump Motor.
4.18	11.4	2,500.75	3,125.94	Drain Water Heat Exchanger.
4.17	11.5	2,540.41	3,175.52	PSC -> ECM Pump Motor.

Representative Harvest Rate = 1,470 lb/24 hours.

DOE requests comment on the efficiency levels presented in this NODA.

C. Shipments Analysis

This NODA uses the same volume of shipments as the May 2023 ACIM NOPR. See 88 FR 30508, 30544–30545. However, with the equipment class restructuring, shipment volumes for affected equipment classes were redistributed as applicable to the equipment class changes.

D. Life-Cycle Cost and Payback Period Analysis

DOE conducted LCC and PBP analyses to evaluate the economic impacts on individual consumers of potential energy conservation standards for automatic commercial ice makers presented in this NODA. For this NODA

analysis, DOE uses the same inputs and assumptions as in the May 2023 ACIM NOPR LCC analysis (see 88 FR 30508, 30539–30540), including using the Annual Energy Outlook 2022 (“AEO2022”)⁶ for energy price projections. Details of the analysis inputs and methodology are available in chapter 8 of the TSD for the May 2023 ACIM NOPR analysis.⁷ Subsequent rulemaking analyses will be updated with the most recent data releases (e.g., AEO2023).

As stated in the May 2023 ACIM NOPR, DOE’s LCC analysis considers the projected distribution (market shares) of equipment efficiencies under the no-new-standards case (i.e., the case without amended or new conservation standards). 88 FR 30508, 30539. As part of the equipment class restructuring of this NODA, the efficiency distributions

also changed. The estimated market shares of this NODA for the no-new-standards case for automatic commercial ice makers are shown in Table II.7.⁸ The efficiency level distribution values were developed by a review of the DOE Compliance Certification Database (“CCD”).⁹ This NODA uses the same CCD data set that was used in the May 2023 ACIM NOPR. Manufacturers are required to submit their data annually on August 1 to CCD to certify compliance. Although this NODA publishes after the most recent annual reporting date, using a revised distribution dataset based on the latest certifications could change other values not part of this NODA. DOE sorted the portion of equipment in CCD that corresponds with energy use values from the engineering analysis.

TABLE II.7—EFFICIENCY LEVEL DISTRIBUTION WITHIN EACH EQUIPMENT CLASS IN NO-NEW-STANDARDS CASE FOR AUTOMATIC COMMERCIAL ICE MAKERS¹⁰

Equipment class	EL 0 (%)	EL 1 (%)	EL 2 (%)	EL 3 (%)	EL 4 (%)	EL 5 (%)	EL 6 (%)	EL 7 (%)
B-IMH-W (≥300 and <785)	37	11	0	52	0	0	0	0
B-IMH-W (>1,000 and <1,500)	10	24	0	67	0	0	0	0
B-IMH-A (≥300 and <727)	24	0	12	0	30	0	34	0
B-IMH-A (>1,000 and <1,500)	59	12	0	0	26	0	3	0
B-RC(NRC)-A (≥988 and <4,000)	20	0	36	0	0	0	43	0
B-SC-A (Portable ACIM) (≤38)	67	11	11	11	0	0	0	0
B-SC-A (Refrigerated Storage ACIM)	82	6	6	6	0	0	0	0
B-SC-A (<=50)	30	10	10	10	10	10	10	10
B-SC-A (>50 and <134)	71	2	2	2	2	0	22	0
B-SC-A (≥200 and <4,000)	91	0	0	0	4	0	4	0
C-IMH-W (>50 and <801)	91	0	9	0	0	0	0	0
C-IMH-A (≥310 and <820)	40	2	18	5	0	35	0	0
C-RC&RC-A (≥800 and <4,000)	50	17	0	0	0	33	0	0
C-SC-A (>50 and <149)	91	0	0	2	0	6	0	0
C-SC-A (≥149 and <700)	71	0	18	0	0	10	0	0

In the May 2023 ACIM NOPR, DOE published a series of tables (V.3 through V.32) depicting the LCC and PBP for the trial standard levels (“TSLs”) considered for each equipment class. 88 FR 30508, 30560–30567. In the second table, impacts are measured relative to the efficiency distribution in the no-new-standards case in the compliance year (2027). Because some consumers purchase equipment with higher efficiency in the no-new-standards case,

the average savings are less than the difference between the average LCC of the baseline equipment and the average LCC at each TSL. *Id.*

The results of this NODA analysis are presented in Table II.8 through Table II.11. In the first of each pair of tables, the simple payback is measured relative to the baseline equipment. In the second table, impacts are measured relative to the efficiency distribution in the no-new-standards case in the compliance

year (see section II.C of this document). Because some consumers purchase equipment with higher efficiency in the no-new-standards case, the average savings are less than the difference between the average LCC of the baseline equipment and the average LCC at each efficiency level. The savings refer only to consumers who are affected by a standard at a given efficiency level.

⁶ Available at www.eia.gov/outlooks/aeo/index.php.

⁷ Available at www.regulations.gov/document/EERE-2017-BT-STD-0022-0036.

⁸ In the May 2023 ACIM NOPR, this was Table IV.10.

⁹ Department of Energy—Office of Energy Efficiency and Renewable Energy. *U.S. Department of Energy’s Compliance Certification Database*. Available at www.regulations.doe.gov/certification-

[data/#q=Product_Group_s%3A* \(Ice Makers—Automatic Commercial\)](#).

¹⁰ To compare these NODA MIA results to the May 2023 ACIM NOPR MIA results, refer to Table V.10 in the May 2023 ACIM NOPR.

Those who already purchase equipment with an efficiency at or above a given efficiency level are not affected. Consumers for whom the LCC increases at a given efficiency level experience a net cost.

TABLE II.8—AVERAGE LCC AND PBP RESULTS FOR B-IMH-W
[>1,000 and <1,500]¹¹

TSL	Efficiency level	Average costs (2022\$)				Simple payback (years)	Average lifetime (years)
		Installed cost	First year's operating cost	Lifetime operating cost	LCC		
	Baseline						
1	0	\$5,747.89	\$6,690.38	\$48,928.54	\$54,676.44	0.0	8.5
2	0	5,747.89	6,690.38	48,928.54	54,676.44	0.0	8.5
3	0	5,747.89	6,690.38	48,928.54	54,676.44	0.0	8.5
4	3	6,283.96	6,646.28	48,622.68	54,906.63	12.2	8.5

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.9—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR B-IMH-W
[>1,000 and <1,500]¹²

TSL	Efficiency level	Life-cycle cost savings	
		Average LCC savings * ** (2022\$)	Percent of consumers that experience net cost
1	0	\$0.00	0
2	0	0.00	0
3	0	0.00	0
4	3	(227.40)	31

* Values in parentheses are negative numbers.
** The savings represent the average LCC for affected consumers.

TABLE II.10—AVERAGE LCC AND PBP RESULTS FOR B-IMH-A
[≥1,000 and <1,500]¹³

TSL	Efficiency level	Average costs (2022\$)				Simple payback (years)	Average lifetime (years)
		Installed cost	First year's operating cost	Lifetime operating cost	LCC		
	Baseline						
1	1	\$5,602.02	\$2,429.82	\$17,168.02	\$22,770.04	1.3	8.5
2	2	5,738.78	2,388.52	16,921.62	22,660.40	2.4	8.5
3	4	5,861.72	2,376.04	16,835.03	22,696.75	3.4	8.5
4	6	6,378.01	2,337.78	16,569.66	22,947.67	6.4	8.5

Note: The results for each TSL are calculated assuming that all consumers use equipment at that efficiency level. The PBP is measured relative to the baseline equipment.

TABLE II.11—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR B-IMH-A
[≥1,000 and <1,500]¹⁴

TSL	Efficiency level	Life-cycle cost savings	
		Average LCC savings * ** (2022\$)	Percent of consumers that experience net cost
1	1	\$193.03	0
2	2	269.97	3
3	4	232.99	10

¹¹ Table II.8 corresponds with Table V.5 from the May 2023 ACIM NOPR. This NODA presents new harvest range and the related values from the harvest range change.

¹² Table II.9 corresponds with Table V.6 from the May 2023 ACIM NOPR. This NODA presents new harvest range and the related values from the harvest range change.

¹³ Table II.10 corresponds with Table V.9 from the May 2023 ACIM NOPR. This NODA presents new harvest range and the related values from the harvest range change.

TABLE II.11—AVERAGE LCC SAVINGS RELATIVE TO THE NO-NEW-STANDARDS CASE FOR B-IMH-A—Continued
[≥1,000 and <1,500]¹⁴

TSL	Efficiency level	Life-cycle cost savings	
		Average LCC savings *** (2022\$)	Percent of consumers that experience net cost
4	6	(81.06)	71

* Values in parentheses are negative numbers.
** The savings represent the average LCC for affected consumers.

This NODA only presents changes compared to the May 2023 ACIM NOPR. No changes occurred in Tables V.19 through V.32 of the May 2023 ACIM NOPR and, thus, those equipment classes are not presented in this NODA.

E. Manufacturer Impact Analysis

DOE presents the Government Regulatory Impact Model (“GRIM”) results analyzing the impacts of the updated analysis discussed in this

NODA. The GRIM results summarize the estimated financial impacts of potential new and amended energy conservation standards on manufacturers of ACIM equipment, as well as the conversion costs that DOE estimates manufacturers of ACIM equipment would incur at each TSL. The methodology and assumptions used in the MIA did not change from the May 2023 ACIM NOPR except for the analytical changes previously described

in prior sections (*i.e.*, updates stemming from revisions to the R-290 harvest rate cutoffs,¹⁵ changes to equipment class harvest rates to accommodate the new harvest rate cutoffs, and the equipment class mapping of primary and secondary equipment classes). Table II.12 presents the MIA results. Details of the MIA inputs and methodology are available in chapter 12 of the TSD for the May 2023 ACIM NOPR.¹⁶

TABLE II.12—MANUFACTURER IMPACT ANALYSIS RESULTS¹⁷

	Unit	No-new-standards case	TSL 1	TSL 2	TSL 3	TSL 4
INPV	2022\$ Million	95.9	90.2 to 90.9	87.5 to 88.9	80.5 to 82.9	52.7 to 71.3
Change in INPV *	%		(6.0) to (5.2)	(8.7) to (7.3)	(16.0) to (13.6)	(45.1) to (25.7)
Free Cash Flow (2026)	2022\$ Million	9.4	7.1	6.1	2.8	(2.4)
Change in Free Cash Flow (2026) *	%		(24.3)	(35.4)	(70.0)	(126.0)
Equipment Conversion Costs	2022\$ Million		4.6	7.0	11.9	20.5
Capital Conversion Costs	2022\$ Million		1.8	2.4	6.1	11.6
Total Conversion Costs	2022\$ Million		6.4	9.4	18.0	32.1

* Parentheses denote negative (-) values.

F. National Impact Analysis

This NODA uses the same volume of shipments as the May 2023 ACIM NOPR. See 88 FR 30508, 30578. However, with the equipment class

restructuring, shipment volumes for affected equipment classes were redistributed as applicable to the equipment class changes.

G. Energy Use Equations

Based on the updated analysis presented in this NODA, DOE has updated the proposed energy use equations in Table II.13 and Table II.14.

TABLE II.13—BATCH TYPE ICE MAKERS

Equipment type	Type of cooling	Harvest rate (lb ice/24 hours)	Maximum energy use* (kWh/100 lb ice)
Ice-Making Head	Water	≥785 and ≤1,000	4.13–0.00028H
Ice-Making Head	Water	>1,000 and <1,500	4.42–0.00028H
Ice-Making Head	Air	≥727 and ≤1,000	5.09–0.00063H
Ice-Making Head	Air	>1,000 and <1,500	5.17–0.00063H

* H = harvest rate in pounds per 24 hours, indicating the energy use for a given harvest rate.

TABLE II.14—CONTINUOUS TYPE ICE MAKERS

Equipment type	Type of cooling	Harvest rate (lb ice/24 hours)	Maximum energy use* (kWh/100 lb ice)
Ice-Making Head	Water	≥801 and ≤1,200	4.10
Ice-Making Head	Water	>1,200 and <1,500	4.34

¹⁴ Table II.11 corresponds with Table V.9 from the May 2023 ACIM NOPR. This NODA presents new harvest range and the related values from the harvest range change.

¹⁵ The R-290 harvest rate cutoff for batch automatic commercial ice makers was revised to 1,000 lb/day from 1,500 lb/day. The R-290 harvest rate cutoff for continuous automatic commercial ice makers was revised to 1,200 lb/day from 1,500 lb/day.

¹⁶ Available at www.regulations.gov/document/EERE-2017-BT-STD-0022-0032.

¹⁷ To compare these NODA MIA results to the May 2023 ACIM NOPR MIA results, refer to Table V.40 in the May 2023 ACIM NOPR.

TABLE II.14—CONTINUOUS TYPE ICE MAKERS—Continued

Equipment type	Type of cooling	Harvest rate (lb ice/24 hours)	Maximum energy use* (kWh/100 lb ice)
Ice-Making Head	Air	≥820 and ≤1,200	3.91
Ice-Making Head	Air	>1,200 and <1,500	4.67

* H = harvest rate in pounds per 24 hours, indicating the energy use for a given harvest rate.

DOE requests comment on the energy use equations presented in this NODA.

III. Public Participation

DOE requests comment on the updated equipment classes, efficiency levels, no-new-standards case market shares, LCC, PBP, and MIA results, and energy use equations for automatic commercial ice makers presented in this NODA. As noted in the May 2023 ACIM NOPR, DOE may adopt energy efficiency levels that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

DOE will accept comments, data, and information regarding this NODA no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (“CBI”). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *www.regulations.gov*. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses.

Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked “confidential” including all the information believed to be confidential, and one copy of the document marked “non-confidential” with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signing Authority

This document of the DOE was signed on September 19, 2023, by Jeffrey Marootian, Principal Deputy 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 DOE. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 19, 2023.

Treena V. Garrett,

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

[FR Doc. 2023–20628 Filed 9–22–23; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1885; Project Identifier MCAI–2022–01484–T]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. This proposed AD was prompted by reports of moisture in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. This proposed AD would require a visual inspection of the fuselage front and rear spar frames, an ultrasonic test if applicable, other specified actions, and repair if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 9, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA–2023–1885; or in person at Docket Operations between 9 a.m. and

5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855–310–1013 or 647–277–5820; email: thd@dehavilland.com; website: [dehavilland.com](https://www.dehavilland.com).

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

FOR FURTHER INFORMATION CONTACT:

Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email: deep.gaurav@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–2023–1885; Project Identifier MCAI–2022–01484–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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](https://www.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 Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email: deep.gaurav@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2022–63, dated November 17, 2022 (Transport Canada AD CF–2022–63) (also referred to as the MCAI), to correct an unsafe condition on certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. The MCAI states several reports of moisture have been found in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. This condition, if not corrected, could lead to corrosion and structural degradation of the wing-to-fuselage joint and possible wing separation from the airplane.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1885.

Related Service Information Under 14 CFR Part 51

The FAA reviewed De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, Revision A, dated August 23, 2022. This service information specifies procedures for a general visual inspection of the fuselage front and rear spar frames (including around the frame bolts) for signs of moisture (*i.e.*, stains and streaks). If signs of moisture ingress are noted in the affected structure because of this inspection, then an ultrasonic test and other specified actions will be required, which includes installing a sealant plug, refinishing the frame edge sealing, and removing the existing frame recess sealant between the frame and struts in the cabin.

This service information is reasonably available because the interested parties have access to it through their normal

course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and the service information

referenced above. The FAA is issuing this NPRM after determining that the unsafe condition previously described is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described. This proposed AD would

also require repairing any corrosion or structural degradation found during the ultrasonic test.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 41 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
16 work-hours × \$85 per hour = \$1,360	\$3,134	\$4,494	\$184,254

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2023–1885; Project Identifier MCAI–2022–01484–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 9, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category, having serial numbers 4001 and 4003 through 4624 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code: 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of moisture in the wing-to-fuselage joint, between the mating front spar and rear spar frame segments. The FAA is issuing this AD to address corrosion and structural degradation of the wing-to-fuselage joint. The unsafe condition, if not addressed, could result in wing separation from the airplane.

(f) Compliance

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

(g) Inspection and Corrective Action

At the applicable compliance times specified in paragraph (g)(1) or (2) of this AD, in accordance with Section 3.B., of the Accomplishment Instructions of De Havilland Aircraft of Canada Service Bulletin 84–53–81, Revision A, dated August 23, 2022, complete a general visual inspection of the fuselage spar frames and around the frame bolts for signs of moisture ingress (*i.e.*, stains and streaks), accomplish other specified actions, and if necessary, perform an ultrasonic test. Do all applicable ultrasonic tests before further flight. If, during any ultrasonic test, any corrosion or structural degradation is found, before further flight, repair using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or De Havilland Aircraft of Canada Limited’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(1) For airplanes that, as of the effective date of this AD, have accumulated less than 32,000 total flight cycles: before accumulating 40,000 total flight cycles.

(2) For airplanes that, as of the effective date of this AD, have accumulated 32,000 or more total flight cycles: within 8,000 flight hours or 48 months, whichever occurs first after the effective date of this AD.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft

of Canada Limited Service Bulletin 84–53–81, dated May 27, 2022.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager, 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. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or De Havilland Aircraft of Canada Limited's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) Refer to Transport Canada AD CF–2022–63, dated November 17, 2022, for related information. This Transport Canada AD may be found in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1885.

(2) For more information about this AD, contact Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email: deep.gaurav@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) De Havilland Aircraft of Canada Limited Service Bulletin 84–53–81, Revision A, dated August 23, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Dash 8 Series Customer Response Centre, 5800 Explorer Drive, Mississauga, Ontario, L4W 5K9, Canada; telephone 855–310–1013 or 647–277–5820; email: thd@dehavilland.com; website: dehavilland.com.

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

(5) You may view this service information that is incorporated by reference at the

National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on September 18, 2023.

Victor Wicklund,

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

[FR Doc. 2023–20514 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1886; Project Identifier AD–2023–00429–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2009–01–02, which applies to certain Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes. AD 2009–01–02 requires an inspection of frames between body station (BS) 360 and BS 907 to determine if certain support brackets of the air conditioning (A/C) outlet extrusions are installed, inspections for cracking of the frames around the attachment holes of the subject brackets, and repair if necessary. AD 2009–01–02 also requires installing new, improved fittings for all support brackets of the A/C outlet extrusions between BS 360 and BS 907. Since the FAA issued AD 2009–01–02, the agency determined that certain repairs might develop fatigue cracks that could result in the inability of the frame to sustain limit load and therefore must be inspected. This proposed AD would continue to require the actions specified in AD 2009–01–02 and would also require repetitive inspections for cracking of certain repairs and repair if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 9, 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](https://www.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](https://www.regulations.gov) under Docket No. FAA–2023–1886; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA–2023–1886.

FOR FURTHER INFORMATION CONTACT:

Owen F. Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3992; email: Owen.F.Bley-Male@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–2023–1886; Project Identifier AD–2023–00429–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend 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 proposed AD.

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 Owen F. Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3992; email: *Owen.F.Bley-Male@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2009-01-02, Amendment 39-15780 (74 FR 4117, January 23, 2009) (AD 2009-01-02), for certain Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. AD 2009-01-02 was prompted by numerous reports of multiple cracks in the frame around the attachment holes of the support bracket of the A/C outlet extrusion. AD 2009-01-02 requires a one-time general visual inspection of frames between BS 360 and BS 907 to determine if certain support brackets of the A/C outlet extrusions are installed, medium- and high-frequency eddy current inspections for cracking of the

frames around the attachment holes of the subject brackets, and repair if necessary. AD 2009-01-02 also requires installing new, improved fittings for all support brackets of the A/C outlet extrusions between BS 360 and BS 907. AD 2009-01-02 refers to Boeing Special Attention Service Bulletin 737-25-1544, Revision 1, dated January 16, 2008, as the appropriate source of service information for accomplishing the required actions. The agency issued AD 2009-01-02 to prevent frame cracking, which, if not corrected, could lead to a severed frame that, combined with cracking of the skin lap splice above stringer 10, could result in rapid decompression of the airplane.

Actions Since AD 2009-01-02 Was Issued

Since the FAA issued AD 2009-01-02, Boeing issued Special Attention Service Bulletin 737-25A1544, Revision 3, dated May 16, 2016, as an alternative method of compliance for AD 2009-01-02, which includes an alternative to making repairs using Boeing Special Attention Service Bulletin 737-25-1544, Revision 1, dated January 16, 2008. The FAA and Boeing determined that the repairs done using Boeing Special Attention Service Bulletin 737-25A1544, Revision 3, dated May 16, 2016, might develop fatigue cracks that could result in the inability of the frame to sustain limit load. Boeing subsequently issued Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, which added damage tolerance inspections for certain BS 907 repairs done using Boeing Special Attention Service Bulletin 737-25A1544, Revision 3, dated May 16, 2016. The FAA determined that those post-repair inspections are necessary to address the unsafe condition.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022. This service information specifies procedures for a one-time general visual inspection of frames between BS 360 and BS 907 to determine if certain support brackets of the A/C outlet extrusions are installed; low-, medium- and high-frequency eddy current inspections for cracking of the frames around the attachment holes of the subject brackets, and repair if necessary; and installation of new, improved fittings for all support brackets of the A/C outlet extrusions between BS 360 and BS 907. This service information also specifies procedures for repetitive detailed and high-frequency eddy current inspections for cracking of certain repairs at BS 907 and repair if necessary.

This AD also requires Boeing Special Attention Service Bulletin 737-25-1544, Revision 1, dated January 16, 2008, which the Director of the Federal Register approved for incorporation by reference as of February 27, 2009 (74 FR 4117, January 23, 2009).

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *regulations.gov* by searching for and locating Docket No. FAA-2023-1886.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 738 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
General visual inspection (retained actions from AD 2009-01-02).	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$62,730.
Eddy current inspections (retained actions from AD 2009-01-02).	Up to 216 work-hours × 85 per hour = Up to 18,360.	0	Up to 18,360	Up to 13,549,680.
Replace support fittings (retained actions from AD 2009-01-02).	Up to 346 work-hours × 85 per hour = Up to 29,410.	Up to 28,789 ..	Up to 57,889	Up to 42,722,082.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Post-repair Inspections (new proposed action).	42 work-hours × 85 per hour = 3,570 per inspection cycle.	0	3,570 per inspection cycle.	2,634,660 per inspection cycle.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs that would be required based on the results of the inspections specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:

- a. Removing Airworthiness Directive (AD) 2009–01–02, Amendment 39–15780 (74 FR 4117, January 23, 2009), and

- b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2023–1886; Project Identifier AD–2023–00429–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by November 9, 2023.

(b) Affected ADs

This AD replaces AD 2009–01–02, Amendment 39–15780 (74 FR 4117, January 23, 2009) (AD 2009–01–02).

(c) Applicability

This AD applies to Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishing.

(e) Unsafe Condition

This AD was prompted by numerous reports of multiple cracks in the frame around the attachment holes of the support bracket of the air conditioning (A/C) outlet extrusion. Also, the FAA determined that certain repairs done to comply with AD 2009–01–02 might develop fatigue cracks that could result in the inability of the frame to sustain limit load and must be inspected. The FAA is issuing this AD to address frame cracking, which, if not corrected, could lead to a severed frame that, combined with cracking of the skin lap splice above stringer 10, could result in rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Inspection, With New Service Information

This paragraph restates the requirements of paragraph (f) of AD 2009–01–02, with new service information. Before the accumulation of 36,000 total flight cycles, or within 72 months after February 27, 2009 (the effective date of AD 2009–01–02), whichever occurs later, except as required by paragraph (i) of this AD: Do a general visual inspection to determine if the support brackets of the A/C outlet extrusions between body station (BS) 360 and BS 907 have two-rivet attachment fittings in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1544, Revision 1, dated January 16, 2008, or Boeing Alert Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022; except at the locations identified in the notes of Step 3.B.1 of Part 1 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1544, Revision 1, dated January 16, 2008, or Boeing Alert Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022. As of the effective date of this AD, only use Boeing Alert Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022, for the actions required by paragraph (g) of this AD.

(1) For any support bracket attached with three or more rivets: No further action is required by paragraph (g) of this AD.

(2) For any subject support bracket having a two-rivet attachment fitting: Before the accumulation of 36,000 total flight cycles, or within 72 months after February 27, 2009 (the effective date of AD 2009–01–02), whichever occurs later, except as required by paragraph (i) of this AD, do medium- and high-frequency eddy current inspections for cracking of the frame around the attachment holes of the support bracket, in accordance with Part 2 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1544, Revision 1, dated January 16, 2008, or do low-, medium- and high-frequency eddy current inspections for cracking of the frame around the attachment holes of the support bracket, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022. If any cracking is discovered, before further flight, repair the cracking in accordance with Part 3 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–25–1544, Revision 1, dated January 16, 2008, or Boeing Alert Service Bulletin 737–25A1544, Revision 4, dated February 15, 2022, except

as required by paragraph (k)(2) of this AD. As of the effective date of this AD, only use Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, for the actions required by paragraph (g)(2) of this AD.

(h) Retained Modification With New Service Information

This paragraph restates the requirements of paragraph (g) of AD 2009-01-02, with new service information. Except as required by paragraph (i) of this AD: Before the accumulation of 36,000 total flight cycles, or within 72 months after February 27, 2009 (the effective date of AD 2009-01-02), whichever occurs later, replace the support fittings of all A/C outlet extrusions between BS 360 and BS 907 with new, improved support fittings, in accordance with Part 4 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737-25-1544, Revision 1, dated January 16, 2008, or Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022. As of the effective date of this AD, only use Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, for the actions required by paragraph (h) of this AD.

(i) Retained Compliance Time for Certain Airplanes With No Changes

This paragraph restates the compliance time specified in paragraph (h) of AD 2009-01-02, with no changes. For airplanes on which Boeing Business Jet (BBJ) lower cabin altitude modification is incorporated in accordance with Supplemental Type Certificate ST01697SE: Before the accumulation of 18,000 total flight cycles, or within 72 months after February 27, 2009 (the effective date of AD 2009-01-02), whichever occurs later, do the actions specified in paragraphs (g) and (h) of this AD.

(j) New Requirements of This AD

For Groups 1 through 4 and Group 6 as identified in Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022: Except as specified in paragraph (k) of this AD: At the applicable time specified in Table 2 of the "Compliance" paragraph of Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, do a detailed inspection and a high-frequency eddy current inspection for cracking of the repaired area at frame BS 907, and do all applicable repairs before further flight, in accordance with the Accomplishment Instructions of in Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022. Repeat the inspections thereafter at the applicable time specified in Table 2 of the "Compliance" paragraph of Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022.

(k) Exceptions to Service Information Specifications

(1) Where the Compliance Time column of Table 2 in the "Compliance" paragraph of Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, uses the phrase "the Revision 4 date of this Service Bulletin," this AD requires using "the effective date of this AD."

(2) Where Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022, specifies contacting Boeing, this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(3) For airplanes on which Boeing Business Jet Lower Cabin Altitude Supplemental Type Certificate (STC) ST01697SE ([drs.faa.gov/browse/excelExternalWindow/0812969A86AF879B8625766400600105.0001](https://www.faa.gov/browse/excelExternalWindow/0812969A86AF879B8625766400600105.0001)) (6,500 feet maximum cabin altitude in lieu of 8,000 feet) has been incorporated, the flight-cycle related compliance times for the inspections required by paragraph (j) of this AD are different from those specified in Table 2 of the "Compliance" paragraph in Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022. All initial compliance times specified in total flight cycles or flight cycles must be reduced to half of those specified in Table 2 of the "Compliance" paragraph in Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022. All repetitive interval compliance times specified in flight cycles must be reduced to one-quarter of those specified in Table 2 of the "Compliance" paragraph in Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022.

(l) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before February 27, 2009 (the effective date of AD 2009-01-02) using Boeing Alert Service Bulletin 737-25-1544, dated October 4, 2006.

(2) This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 737-25-1544, Revision 2, dated March 23, 2011, or Boeing Special Attention Service Bulletin 737-25-1544, Revision 3, dated May 16, 2016.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR-520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of AIR-520, Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (n)(1) of this AD. Information may be emailed to: 9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company

Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR-520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2009-01-02 are approved as AMOCs for the corresponding provisions of paragraphs (g) through (i) of this AD.

(n) Related Information

(1) For more information about this AD, contact Owen F. Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3992; email: Owen.F.Bley-Male@faa.gov.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(5) and (6) of this AD.

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) Boeing Alert Service Bulletin 737-25A1544, Revision 4, dated February 15, 2022.

(ii) [Reserved]

(4) The following service information was approved for IBR on February 27, 2009 (74 FR 4117, January 23, 2009).

(i) Boeing Special Attention Service Bulletin 737-25-1544, Revision 1, dated January 16, 2008.

(ii) [Reserved]

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

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

(7) 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 September 18, 2023.

Victor Wicklund,

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

[FR Doc. 2023-20507 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF VETERANS
AFFAIRS****38 CFR Part 3**

RIN 2900-AR69

Expanded Burial Benefits**AGENCY:** Department of Veterans Affairs.**ACTION:** Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations pertaining to burial benefits to conform to recent statutory changes enacted by the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 and the Burial Equity for Guards and Reserves Act of the Consolidated Appropriations Act, 2022. The conforming regulatory changes would implement an expansion of the transportation benefit and provision of a single payment rate for non-service-connected burial allowances regardless of the location of a qualifying Veteran's death and would coincide with the effective date for the statutory amendments (January 5, 2023). The conforming regulatory changes would also implement the extension of the VA plot or interment allowance to Tribal organizations for interment of eligible Veterans on trust land owned by, or held in trust for, the Tribal organization and would coincide with the effective date for the statutory amendments (March 15, 2022). VA also proposes some additional clarifying changes to its burial benefits regulations.

DATES: Comments must be received on or before November 24, 2023.

ADDRESSES: Comments must be submitted through www.regulations.gov. Except as provided below, comments received before the close of the comment period will be available at www.regulations.gov for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on www.regulations.gov as soon as possible after they have been received. VA will not post on Regulations.gov public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm the individual. VA encourages individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment

received after the comment period's closing date is considered late and will not be considered in the final rulemaking.

FOR FURTHER INFORMATION CONTACT: Eric Baltimore, Management and Program Analyst, Pension and Fiduciary Service (21PF), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; (202) 632-8863. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: Under chapter 23 of title 38, United States Code, VA has authority to pay benefits to a deceased Veteran's survivor and certain other persons for a Veteran's burial, including a burial allowance for a non-service-connected death or a burial allowance for a service-connected death. Additionally, VA may pay a plot or interment allowance for a Veteran who was eligible for burial in a national cemetery under 38 U.S.C. chapter 24 but was not buried there. VA also provides a transportation benefit for the transportation of remains to the place of burial following the death of a qualifying Veteran.

Sections 2201 and 2202 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Pub. L. 116-315) amended 38 U.S.C. chapter 23 to expand the transportation benefit for a qualifying Veteran and to increase the monetary payment rate for the cost of the burial and funeral of a qualifying Veteran with a non-service-connected death. Section 2201 became effective on January 5, 2023, and section 2202 applies to deaths that occur on or after January 5, 2023—two years after the date of the enactment of Public Law 116-315.

Section 102(c) of the Burial Equity for Guards and Reserves Act (Division CC) of the Consolidated Appropriations Act, 2022 (Pub. L. 117-103), 136 Stat. 1110, amended 38 U.S.C. chapter 23 to extend eligibility for the VA plot or interment allowance to Tribal organizations for the interment of an eligible Veteran on trust land owned by, or held in trust for, a Tribal organization. This change became effective on March 15, 2022—the date of the enactment of Public Law 117-103.

Expanded Transportation Benefit

Section 2201 of Public Law 116-315 expanded the transportation benefit under 38 U.S.C. 2308 to include transporting the remains of a qualifying Veteran to a "covered veterans' cemetery," defined later in the preamble, in addition to a national cemetery. Section 2202 of Public Law 116-315 added additional classes of

individuals who are eligible to receive the transportation benefit under 38 U.S.C. 2303(a).

Previously, in situations where a Veteran (1) died as the result of a service-connected disability, (2) died while receiving service-connected disability compensation (or would have been receiving compensation on the date of death, but for the receipt of retirement pay or pension), or (3) upon death had no next of kin or other person claiming the body, a transportation benefit was payable for the cost of transporting the remains of the Veteran for burial in a national cemetery, but the benefit was limited to the cost of transportation to the national cemetery nearest the Veteran's last place of residence in which burial space was available. 38 U.S.C. 2308 (2022).

Under a separate statutory authority, 38 U.S.C. 2303(a) (2022), a transportation benefit was also provided when a Veteran died while hospitalized by VA (*i.e.*, in a VA facility to which the deceased Veteran was properly admitted for hospital, nursing home, or domiciliary care under 38 U.S.C. 1710 or 1711(a) or an institution at which the deceased Veteran was, at the time of death, receiving (a) hospital care in accordance with 38 U.S.C. 1703A, 8111, and 8153, (b) nursing home care under 38 U.S.C. 1720, or (c) nursing home care for which payments are made under 38 U.S.C. 1741). But this transportation benefit was not limited to transporting the remains of the Veteran for burial in a national cemetery, as was the case under section 2308 (2022). Rather, section 2303(a) (2022) provided that, where the death occurs in a State, VA shall "transport the body to the place of burial in the same or any other State."

Under the new statutory changes per Public Law 116-315, the transportation benefit authorized under 38 U.S.C. 2308 is now payable for a Veteran buried in a covered Veterans' cemetery in addition to a national cemetery. Section 2201 of Public Law 116-315 defines a "covered veterans' cemetery" as "a veterans' cemetery—in which (1) a deceased veteran described in [38 U.S.C. 2308](b) is eligible to be buried; (2) that—(A) is owned by a State; or (B) is on trust land owned by, or held in trust for, a tribal organization; and (3) for which the Secretary has made a grant under [38 U.S.C. 2408]." Thus, these statutory changes allow for the transportation benefit authorized under 38 U.S.C. 2308 to include transportation expenses to grant-funded state and Tribal Veterans' cemeteries.

In addition, section 2202 of Public Law 116-315 transfers subsection (b) of 38 U.S.C. 2302 (2022) to 38 U.S.C. 2303

and removes the remaining subsections of 38 U.S.C. 2302 (2022). These changes result in 38 U.S.C. 2303 providing a comprehensive section for non-service-connected burial benefits. But, also as a result of these statutory changes, the transportation benefit under 38 U.S.C. 2303(a) for transporting the remains of the Veteran to the place of burial (which is not limited to national cemeteries or covered veterans' cemeteries) not only includes Veterans who died while hospitalized by VA, but now also includes any Veteran who was receiving service-connected disability compensation on the date of death (or but for the receipt of retirement pay would have been entitled to such compensation) or was receiving pension, as well as any Veteran whom the Secretary determines has no next of kin or other person claiming the body of the deceased Veteran and that there are not available sufficient resources to cover burial and funeral expenses. 38 U.S.C. 2303(a)(2). However, eligibility for the transportation benefit under 38 U.S.C. 2303(a) continues to be conditioned on the death occurring in a State and continues to be limited to the transportation of the body "to the place of burial in the same or any other State."

As a result of the statutory changes under section 2202 of Public Law 116–315, individuals eligible for the transportation benefit under 38 U.S.C. 2308 are now also eligible for the transportation benefit under section 2303(a), aside from a narrow set of Veterans who either (1) died from a service-connected disability but were not in receipt of disability compensation or pension at the time of death and do not otherwise qualify for one of the other provisions under section 2303(a), or (2) died outside of a State. Meanwhile, those individuals eligible for the transportation benefit under both 38 U.S.C. 2303(a) and 2308 would be paid under the more advantageous language of section 2303(a) (see proposed 38 CFR 3.1709(b)(1)(A)), because section 2308 would limit the allowable payment to the cost of transportation to the national cemetery nearest the Veteran's last place of residence in which burial space is available.

In order to align VA regulations with the statutory amendments in 38 U.S.C. 2308 and 38 U.S.C. 2303(a)(2), VA proposes to amend 38 CFR 3.1700, 3.1704, 3.1705, 3.1706, 3.1708 and 3.1709. First, for Veterans eligible for the transportation benefit under 38 U.S.C. 2308, the amended regulatory language would include a covered Veterans' cemetery in addition to a national cemetery. Second, for Veterans

now eligible for the transportation benefit under 38 U.S.C. 2303(a) to cover transportation to the place of burial, VA accordingly would amend the applicable regulatory language. And, with the understanding that the more generous provisions in 38 U.S.C. 2303(a) will govern in most cases, VA proposes to restructure 38 CFR 3.1709 to focus on the greater transportation benefit under 38 U.S.C. 2303(a), with conforming revisions to 38 CFR 3.1704, 3.1705, 3.1706, and 3.1708. The changes to 38 CFR 3.1709(c) would carve out the exception for the remaining sub-group of Veterans who either (1) died from a service-connected disability but were not in receipt of pension, service-connected disability compensation, or military retired pay in lieu of compensation at the time of death, or (2) died outside of a State, and thus would only be eligible for the transportation benefit under 38 U.S.C. 2308.

VA's proposed revisions in 38 CFR 3.1709(c) would also clarify that a payment authorized under the greater transportation benefit in 38 U.S.C. 2303(a) shall not duplicate any payment authorized under the lesser transportation benefit in 38 U.S.C. 2308, and vice versa. Because sections 2303(a) and 2308 both pertain to the cost of transporting remains for burial, construing them to require double payments would result in a logical contradiction, as VA would be paying more than the cost of transportation. And the operative language in 38 U.S.C. 2308(a) states that the Secretary "may" pay, rather than "shall" pay, thus allowing VA to avoid duplicative payments. Accordingly, revised 38 CFR 3.1709(c) would make clear that duplicate payments for the same transportation cost are not permitted.

As part of VA's restructuring of 38 CFR 3.1709, VA proposes to remove the provision in 38 CFR 3.1706(d)(1)(ii), which addresses scenarios in which a Veteran dies within a State while hospitalized by VA and is buried in Canada or Mexico and authorizes payment to transport the Veteran's remains from the place of death within a State to the port of embarkation within a State, or to the border limits of the United States. The language in 38 U.S.C. 2303(a)(1)(B) limits transportation to the place of burial in the same or any other State when the Veteran's death occurs in a State; it does not authorize transportation, either in whole or in part, when the place of burial is in a foreign country. Nor did the transportation amendments to 38 U.S.C. 2303(a) in Public Law 116–315 provide such authorization. Because the language in § 3.1706(d)(1)(ii) exceeds

the statutory authorization provided in plain language of section 2303(a)(1)(B), VA proposes to remove that regulatory provision.

Finally, VA is proposing to amend §§ 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1708 and 3.1709 to reflect a nomenclature change from "transportation reimbursement," "reimbursement for transportation," or "reimbursement of transportation expenses" to "transportation benefit" or "payment for transportation expenses" and, in § 3.1703(b)(2), to change "receipt" to "supporting documentation". Claimants do not need to first pay for transportation expenses before receiving the benefit; rather, per the statutory language in 38 U.S.C. 2308(a), claimants are only required to incur the transportation expense. Thus, using the term "transportation benefit" is more appropriate than "transportation reimbursement," and the term "supporting documentation" is more appropriate than "receipt."

Increased Non-Service-Connected Burial Benefit

Prior to enactment of section 2202 of Public Law 116–315, VA paid two different non-service-connected burial monetary allowances that were dependent on the location of the Veteran's death: \$300.00 for the basic non-service-connected burial benefit and \$893.00 if the Veteran met the eligibility requirements of a VA hospitalization death. 38 U.S.C. 2302(a) (2022), 2303(a), (c) (2022). Section 2202 of Public Law 116–315 amended 38 U.S.C. chapter 23 to pay the greater of the two monetary allowances in effect at that time for all non-service-connected burial benefits, regardless of the location of the Veteran's death.

Non-service-connected burial benefits are payable to a qualifying individual that incurred expenses for an eligible Veteran's burial or funeral. Eligibility for non-service connected burial benefits is based on a Veteran's other than dishonorable discharge, *see* 38 CFR 3.1701, and at least one of the following requirements: was receiving VA pension or disability compensation at the time of death; would have been receiving disability compensation but for the receipt of military retired pay; died with either a pending original claim, a claim to reopen a previously denied claim, or a claim in which a person would be eligible to substitute for the deceased Veteran, resulting in the grant of disability compensation or pension effective before the date of death; died while hospitalized by VA (including circumstances such as receiving care under VA contract at a non-VA facility,

or while a patient at a VA-approved State nursing home, or traveling under proper authorization and at VA expense to or from a specified place for the purpose of examination, treatment, or care); or, there is no next of kin or other person claiming the remains of a deceased Veteran and there are not sufficient resources available in the Veteran's estate to cover the burial and funeral expenses. 38 CFR 3.1705, 3.1706, 3.1708; see also 38 U.S.C. 2302(a) (2022), 2303(a) (2022), 2303(a).

Historically, beneficiaries were paid different non-service-connected burial allowances, primarily based on the location of a Veteran's death. Compare 38 U.S.C. 2302(a) (2022) with 2303(a) (2022). This led to distinct allowances for individuals eligible for non-service-connected burial benefits. Prior to the effective date of the statutory changes under section 2202 of Public Law 116–315, an eligible claimant was granted a greater non-service-connected burial allowance based on a VA hospitalization death. 38 CFR 3.1706; see also 38 U.S.C. 2303(a) (2022). Further, while the non-service-connected burial benefit based on hospitalization death has received percentage increases based on the Consumer Price Index, see 38 U.S.C. 2303(a), (c) (2022), Congress last increased the basic non-service-connected burial benefit in 1978 (from \$250.00 to \$300.00), see Public Law 95–479.

The amendments under section 2202 of Public Law 116–315 transferred subsection (b) of 38 U.S.C. 2302 (2022) to 38 U.S.C. 2303 and removed the remaining subsections of 38 U.S.C. 2302 (2022). These changes resulted in 38 U.S.C. 2303 providing a comprehensive section for non-service-connected burial benefits and a single payable allowance to all non-service-connected burial beneficiaries.

In order to align VA regulations with the statutory amendments in 38 U.S.C. 2303, and the removal of 38 U.S.C. 2302 (2022), VA proposes to amend 38 CFR 3.1703, 3.1705, 3.1708 and 3.1711. These regulatory changes would conform with the amendments included in Public Law 116–315 and provide a single payment rate for non-service-connected burial benefits, regardless of the location of a Veteran's death.

Expanded Plot or Interment Allowance for Tribal Organizations

Section 102(c) of the Burial Equity for Guards and Reserves Act (Division CC) within Public Law 117–103 extended eligibility for payment of the VA plot or interment allowance to a Tribal organization for the interment of an

eligible Veteran in a qualifying cemetery or section of a cemetery that is on trust land owned by, or held in trust for, a Tribal organization.

Prior to the enactment of Public Law 117–103, eligibility to claim the VA plot or interment allowance for an eligible Veteran buried (without charge for the cost of a plot or interment) in a qualifying cemetery, or section of a cemetery, was limited to those owned by a State, or agency or political subdivision of a State. See 38 U.S.C. 2303(b) (2021).

Effective March 15, 2022, the amendments in Public Law 117–103 now extend eligibility for payment of the VA plot or interment allowance to Tribal organizations for the burial of an eligible Veteran in a qualifying cemetery or section of a cemetery that is on trust land owned by, or held in trust for, a Tribal organization. This change ultimately provides Tribal organizations the same eligibility to burial benefits as state Veterans' cemeteries.

In order to align VA regulations with the statutory amendments in 38 U.S.C. 2303, VA proposes to amend 38 CFR 3.1702, 3.1706, and 3.1707. These regulatory changes would conform with the amendments included in Public Law 117–103 and extend the VA plot or interment allowance to a Tribal organization for the interment of eligible Veterans.

Executive Orders 12866, 13563, and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is a significant regulatory action under Executive Order 12866, as amended by

Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). As this proposed rulemaking would expand and increase benefits, it would not have a significant economic impact on a substantial number of small entities as the benefits received by the entities entitled to them were found to be de minimis. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and Tribal governments, or on the private sector.

Paperwork Reduction Act

This proposed rule includes provisions constituting a revised collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by the Office of Management and Budget (OMB). Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking action to OMB for review and approval. The proposed rule would not involve a substantive or material modification of the approved collection.

OMB assigns control numbers to collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. If OMB does not approve the collection of information as requested, VA will immediately remove the provisions containing the collection of information or take such other action as is directed by OMB.

Comments on the revised collection of information contained in this rulemaking should be submitted through www.regulations.gov.

Comments should indicate that they are submitted in response to “RIN 2900–AR69, Expanded Burial Benefits” and should be sent within 60 days of publication of this rulemaking. The revised collection of information associated with this rulemaking can be viewed at: www.reginfo.gov/public/do/PRAMain.

OMB is required to make a decision concerning the revised collection of information contained in this rulemaking between 30 and 60 days after publication of this rulemaking in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the provisions of this rulemaking.

The Department considers comments by the public on revised collection of information in—

- Evaluating whether the revised collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

- Evaluating the accuracy of the Department’s estimate of the burden of the revised collection of information, including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and

- Minimizing 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.

The revised collection of information associated with this rulemaking contained in 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, 3.1711 is described immediately following this paragraph, under its respective title.

Title: Application for Burial Benefits (Under 38 U.S.C. Chapter 23).

VA Form No: 21P–530EZ.

OMB Control No: 2900–0003.

CFR Provisions: 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, 3.1711.

- *Summary of revised collection of information:* The revised collection of information in proposed provisions in 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, and 3.1711 would require the respondent to provide information indicating whether the Veteran was

buried in a covered Veterans’ cemetery. VA estimates this proposed expanded burial transportation benefit, which now includes covered Veterans’ cemeteries, would increase the respondent burden by an additional 3,658 respondents in fiscal year 2024 subsequently increasing the estimated total annual reporting and recordkeeping burden.

- *Description of need for information and proposed use of information:* VA, through the Veterans Benefits Administration (VBA), administers an integrated program of benefits and services, established by law, for Veterans, service personnel, and their dependents and/or beneficiaries. Under the authority of 38 U.S.C. 2302, 2303, 2304, 2307, and 2308, VA will pay burial benefits upon the death of a Veteran to certain eligible claimants. The information would be used by VA to determine if the claimant is eligible to receive expanded transportation benefits due to the Veteran’s burial in a covered Veterans’ cemetery.

- *Description of likely respondents:* The respondent population for VA Form 21P–530EZ would be primarily composed of survivors of deceased Veterans establishing eligibility to VA burial benefits.

- *Estimated number of respondents:* Number of respondents is estimated at 132,055 per year. These totals were derived from a query of our claims database and represent the actual number of each form received in an average year plus an additional estimated 3,658 respondents based on the change in section 2201 of Public Law 116–315.

- *Estimated frequency of responses:* One time per year.

- *Estimated average burden per response:* 30 minutes.

- *Estimated total annual reporting and recordkeeping burden:* 66,027.50 burden hours (132,055 × 30/60). VA estimates the increased annual reporting and recordkeeping burden based on the proposed rule to be 1,829 burden hours (3,658 × 30/60). This submission does not involve any record-keeping costs.

- *Estimated cost to respondents per year:* VA estimates the annual cost to respondents to be \$1,849,430 (66,027.50 burden hours for respondents × \$28.01 per hour). VA estimates that the proposed rule would increase the number of respondents in FY24 by 3,658. The increase in cost to respondents per year based on the additional 3,658 respondents would result in an estimated information collection burden cost increase of \$51,230.29 (1,829 burden hours × \$28.01 per hour).

* To estimate the total information collection burden cost, VA used the Bureau of Labor Statistics (BLS) median hourly wage for hourly wage for “all occupations” of \$28.01 per hour. This information is available at https://www.bls.gov/oes/current/oes_nat.htm#13-0000.

The revised collection of information associated with this rulemaking contained in 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, 3.1711 is described immediately following this paragraph, under its respective title.

Title: State or Tribal Organization Application for Interment Allowance (Under 38 U.S.C. Chapter 23).

VA Form No: 21P–530a.

OMB Control No: 2900–0565.

CFR Provision: 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, 3.1711.

- *Summary of revised collection of information:* The revised collection of information in proposed provisions 38 CFR 3.1700, 3.1701, 3.1702, 3.1703, 3.1704, 3.1705, 3.1706, 3.1707, 3.1708, 3.1709, and 3.1711 would require the respondent to provide information to determine if a Tribal organization is eligible for interment allowance for an eligible Veteran buried on trust land owned by, or held in trust for, a Tribal organization. VA estimates this proposed extended plot or interment allowance benefit, which now includes Tribal organizations, would increase the respondent burden by an additional 50 respondents in fiscal year 2024 subsequently increasing the estimated total annual reporting and recordkeeping burden.

- *Description of need for information and proposed use of information:* VA, through VBA, administers an integrated program of benefits and services, established by law, for Veterans, service personnel, and their dependents and/or beneficiaries. Under the authority of 38 U.S.C. 2302, 2303, 2304, 2307, and 2308, VA would pay burial benefits upon the death of a Veteran to certain eligible claimants. The information would be used by VA to determine if a Tribal organization is eligible to receive plot or interment benefit due to the Veteran’s burial on trust land owned by, or held in trust for, a Tribal organization.

- *Description of likely respondents:* The respondent population for VA Form 21P–530a would be composed of individuals from State or Tribal Organizations that are applying for benefits to establish entitlement to the plot or interment allowance for eligible Veterans who have been buried in a

State Veterans' cemetery or on Tribal Trust land.

- *Estimated number of respondents:* Number of respondents is estimated at 33,594 per year. These totals were derived from a query of our claims database and represent the actual number of each form received in an average year plus an additional estimated 50 respondents based on the change in section 102(c) of the Burial Equity for Guards and Reserves Act (Division CC) of Public Law 117–103.

- *Estimated frequency of responses:* One time per year.

- *Estimated average burden per response:* 5 minutes.

- *Estimated total annual reporting and recordkeeping burden:* The burden hours are estimated to be 2,800 (33,594 × 5/60). VA estimates the increased annual reporting and recordkeeping burden based on the proposed rule to be 4 burden hours (50 × 5/60). This submission does not involve any record-keeping costs.

- *Estimated cost to respondents per year:* VA estimates the annual cost to respondents to be \$78,428.00. (2,800 burden hours for respondents × \$28.01 per hour). VA estimates that the proposed rule would increase the number of respondents in FY24 by 50. The increase in cost to respondents per year based on the additional 50 respondents would result in an estimated annual respondent burden cost increase of \$112.04 (4 burden hours × \$28.01 per hour).

* To estimate the total information collection burden cost, VA used the Bureau of Labor Statistics (BLS) median hourly wage for hourly wage for “all occupations” of \$28.01 per hour. This information is available at https://www.bls.gov/oes/current/oes_nat.htm#13-0000.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on September 14, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans

Affairs proposes to amend 38 CFR part 3 as set forth below:

Part 3—ADJUDICATION

Subpart B—Burial Benefits

■ 1. The authority citation for part 3, subpart B is revised to read as follows:

Authority: 105 Stat. 386, 38 U.S.C. 501(a), 2303–2308, unless otherwise noted.

■ 2. Amend § 3.1700 by revising paragraph (b) to read as follows:

§ 3.1700 Types of VA burial benefits.

* * * * *

(b) *Definitions.* For the purposes of this subpart:

(1) *Burial* means all the legal methods of disposing of the remains of a deceased person, including, but not limited to, cremation, burial at sea, and medical school donation.

(2) *Covered veterans' cemetery* is a designation for an eligible cemetery considered in the determination of transportation benefits under § 3.1709 that meets the following criteria:

(i) A deceased veteran as described in 38 U.S.C. 2308(b) is eligible to be buried within the cemetery;

(ii) The cemetery is either owned by a State or is on trust land owned by, or held in trust for, a Tribal organization; and

(iii) The cemetery is one for which the Secretary has made a grant under 38 U.S.C. 2408.

* * * * *

■ 3. Amend § 3.1701 by:

■ a. Removing the citation “38 U.S.C 2302” and adding in its place “38 U.S.C 2303”; and

■ b. Revising the authority citation.

The revision reads as follows:

§ 3.1701 Deceased veterans for whom VA may provide burial benefits.

* * * * *

(Authority: 38 U.S.C. 101(2), 2303, 2307, 2308)

■ 4. Amend § 3.1702 by revising paragraphs (a)(2), (b)(1) introductory text, (c)(2) introductory text, and the authority citation to read as follows:

§ 3.1702 Persons who may receive burial benefits; priority of payments.

* * * * *

(a) * * *

* * * * *

(2) VA may grant additional burial benefits, including the plot or interment allowance under § 3.1707, the transportation benefit under § 3.1709, and the service-connected burial allowance under § 3.1704, to the surviving spouse or any other eligible person in accordance with paragraph (b)

of this section and based on a claim described in § 3.1703.

(b) * * *

(1) Except for claims a State, an agency or political subdivision of a State, or a Tribal organization files under § 3.1707 or § 3.1708, VA will pay, upon the death of a veteran, the first living person to file of those listed below:

* * * * *

(c) * * *

* * * * *

(2) Claims for the plot or interment allowance (except for claims filed by a State, an agency or political subdivision thereof, or a Tribal organization) under § 3.1707 may be executed by:

* * * * *

(Authority: 38 U.S.C. 2303, 2307, 2308)

■ 5. Amend § 3.1703 by revising paragraphs (a)(1) and (b)(2) to read as follows:

§ 3.1703 Claims for burial benefits.

(a) * * *

(1) *General rule.* Except as provided in paragraph (a)(2) of this section, VA must receive a claim for the non-service-connected burial allowance for veterans described within § 3.1705(b), § 3.1706(b), or § 3.1708(b) no later than 2 years after the burial of the veteran. There are no other time limitations to file claims for burial benefits under subpart B of this part.

* * * * *

(b) * * *

* * * * *

(2) *Payment for transportation expenses.* In order to pay transportation costs, VA must receive supporting documentation, preferably on letterhead, showing who incurred the costs, the name of the deceased veteran, the specific transportation expenses incurred, and the dates of the services rendered.

* * * * *

■ 6. Amend § 3.1704 by revising paragraphs (c)(1) and (2) to read as follows:

§ 3.1704 Burial allowance based on service-connected death.

* * * * *

(c) * * *

(1) VA may pay the transportation benefit under § 3.1709; and

(2) VA may pay the plot or interment allowance under § 3.1707.

* * * * *

■ 7. Amend § 3.1705 by:

■ a. In paragraph (a), removing the citation “38 U.S.C 2302” and adding in its place “38 U.S.C. 2303”; and

■ b. Revising paragraph (e) and the authority citation.

The revisions read as follows:

§ 3.1705 Burial allowance based on non-service-connected death.

* * * * *

(e) *Additional benefits available based on non-service-connected death.* In addition to the non-service-connected burial allowance authorized by this section:

(1) VA may pay the transportation benefit under § 3.1709; and

(2) VA may pay the plot or interment allowance under § 3.1707.

(Authority: 38 U.S.C. 2303, 2304, 2308)

■ 8. Amend § 3.1706 by revising paragraphs (d)(1) and (2) and the authority citation to read as follows:

§ 3.1706 Burial allowance for a veteran who dies while hospitalized by VA.

* * * * *

(d) * * *

(1) VA may pay the transportation benefit under § 3.1709; and

(2) VA may pay the plot or interment allowance under § 3.1707.

(Authority: 38 U.S.C. 2303, 2308)

■ 9. Amend § 3.1707 by revising paragraph (b) and the paragraph heading to paragraph (c) to read as follows.

§ 3.1707 Plot or interment allowances for burial in a State veterans cemetery or other cemetery.

* * * * *

(b) *Plot or interment allowance for burial in a State or Tribal veterans cemetery.* VA will pay the plot or interment allowance in the amount specified in 38 U.S.C. 2303(b)(1) (without regard to whether any other burial benefits were provided for that veteran) to a State, an agency or political subdivision of a State, or a Tribal organization that provided a burial plot or interment for the veteran without charge if the State, agency or political subdivision of the State, or Tribal organization:

(1) Is claiming the plot or interment allowance for burial of the veteran in a cemetery, or section of a cemetery, owned by the State, agency or subdivision of the State, or on trust land owned by, or held in trust for, a Tribal organization;

(2) Did not charge for the expense of the plot or interment; and

(3) Uses the cemetery or section of a cemetery solely for the interment of:

(i) Persons eligible for burial in a national cemetery; and

(ii) In a claim based on a veteran's death after October 31, 2000, either:

(A) Deceased members of a reserve component of the Armed Forces not otherwise eligible for interment in a national cemetery;

(B) Deceased former members of a reserve component of the Armed Forces not otherwise eligible for interment in a national cemetery who were discharged or released from service under conditions other than dishonorable; or

(C) Individuals described in 38 U.S.C. 2408(i)(2).

(c) *Plot or interment allowance payable based on burial in other than a State or Tribal veterans cemetery.* * * *

* * * * *

■ 10. Amend § 3.1708 by:

■ a. In paragraph (a), removing the citation “38 U.S.C. 2302” and adding in its place “38 U.S.C. 2303”; and

■ b. Revising paragraph (c) and the authority citation.

The revisions read as follows:

§ 3.1708 Burial of a veteran whose remains are unclaimed.

* * * * *

(c) *Additional benefit for transportation of unclaimed remains.* In addition to the burial allowance authorized by this section, VA may pay the transportation benefit under § 3.1709.

* * * * *

(Authority: 38 U.S.C. 2303, 2308)

■ 11. Amend § 3.1709 by:

■ a. Revising the section heading.

■ b. Revising paragraphs (a), (b), and (c);

■ c. In paragraph (d)(1), removing the word “reimburse” and adding in its place “pay”;

The revisions read as follows:

§ 3.1709 Transportation expenses for burial.

(a) *General.* VA will pay the transportation expenses, subject to paragraph (d) of this section, of a veteran's remains to the place of burial for a veteran described in paragraph (b) of this section or for burial in a national cemetery or a covered veterans' cemetery, as defined in § 3.1700(b)(2), for a veteran described in paragraph (c) of this section.

(b) *Eligibility for transportation to the place of burial under 38 U.S.C. 2303(a).* VA will pay the expense incurred to transport an eligible veteran's remains to the place of burial, subject to paragraph (d) of this section, where the death occurs within a State and the place of burial is in the same State or any other State.

(1) A veteran described in this paragraph is a deceased veteran who meets any of the following criteria:

(i) A veteran covered under 38 CFR 3.1705(b), or a veteran who died of a service-connected disability and who also satisfies the criteria listed under 38 CFR 3.1705(b).

(ii) A veteran covered under 38 CFR 3.1706(b).

(iii) A veteran covered under 38 CFR 3.1708(b).

(2) A payment authorized under paragraph (b) of this section shall not duplicate any payment authorized under paragraph (c) of this section.

(c) *Eligibility for transportation benefit under 38 U.S.C. 2308.* For a veteran described below, VA will pay for the expense incurred, subject to paragraph (d) of this section, to transport a veteran's remains for burial in a national cemetery or a covered veterans' cemetery, as defined in § 3.1700(b)(2).

(1) A veteran described in this paragraph is a deceased veteran who:

(i) Died as the result of a service-connected disability and who is not eligible for the transportation benefit under paragraph (b) of this section; or

(ii) Died outside of a State.

(2) The amount payable under this paragraph (c) will not exceed the cost of transporting the remains to the national cemetery closest to the veteran's last place of residence in which burial space is available and is subject to the limitations set forth in paragraph (d) of this section.

(3) A payment authorized under this paragraph (c) shall not duplicate any payment authorized under paragraph (b) of this section.

* * * * *

■ 12. Amend § 3.1711 by:

■ a. Revising paragraph (a) introductory text;

■ b. In paragraph (b)(1), removing the citation “38 U.S.C. 2302” and adding, in its place, “38 U.S.C. 2303”; and

■ c. Revising the authority citation.

The revisions read as follows:

§ 3.1711 Effect of contributions by government, public, or private organizations.

(a) *Contributions by government or employer.* With respect to claims for a plot or interment allowance under § 3.1707, if VA has evidence that the U.S., a State, any agency or political subdivision of the U.S. or of a State, Tribal organization, or the employer of the deceased veteran has paid or contributed payment to the veteran's plot or interment expenses, VA will pay the claimant up to the lesser of:

* * * * *

(Authority: 38 U.S.C. 2303)

[FR Doc. 2023-20444 Filed 9-22-23; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2023-0355; FRL-11176-01-R9]

Air Quality Plans; Approvals and Promulgations: California; Amador Air District; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a permitting rule submitted as a revision to the Amador Air District (AAD or “District”) portion of the California State Implementation Plan (SIP). This revision concerns the District’s New Source Review (NSR) permitting program for new and modified sources of air pollution under part D of Title I of the Clean Air Act (CAA or “Act”). This action will update the District’s applicable SIP with a rule revised to address deficiencies identified in a previous limited disapproval action. This action also proposes to revise regulatory text to clarify that the District is not subject to the Federal Implementation Plan related to protection of visibility. We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before October 25, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2023-0355 at [https://](https://www.regulations.gov)

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 Confidential Business Information (CBI) or other information the disclosure of which 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 a 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 systems). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit: <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Karima Zulfo, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. Phone: (415) 972-3953 or email at zulfo.karima@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to the EPA.

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I. The State’s Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates when it was revised by the District and submitted to the EPA for SIP approval by the California Air Resources Board (CARB). This rule constitutes part of the District’s program for preconstruction review and permitting of new or modified stationary sources under its jurisdiction. The rule revisions that are the subject of this action represent an update to the AAD’s preconstruction review and permitting program and are intended to satisfy the requirements under part D of Title I of the Act (“Nonattainment NSR” or “NNSR”) including the implementing regulations at 40 CFR 51.160-165, and the relevant regulatory requirements at 40 CFR 51.307, as well as the requirements of sections 110(l) and 193 of the Act.

TABLE 1—SUBMITTED RULE

Rule No.	Rule title	Revision date	Submitted date
400	Requirements for New and Modified Major Sources in Nonattainment Areas	1/17/2023	3/3/2023

CARB’s March 3, 2023 SIP submittal package meets the completeness criteria in 40 CFR part 51, which must be met before formal EPA review. The EPA’s signed notice of proposed rulemaking

for our proposed action on this submittal will serve as the EPA’s formal completeness determination for this submittal.

B. Are there other versions of this rule?

The previously SIP-approved version of AAD Rule 400 is identified in Table 2.

TABLE 2—SIP APPROVED RULE

Rule No.	Rule title	SIP approval date	Federal Register citation
400	Requirements for New and Modified Major Sources in Nonattainment Area	1/12/2022	87 FR 1683

Our action approving this previous version of Rule 400 into the SIP was a limited approval and limited disapproval. If the EPA finalizes the

action proposed herein, this rule will be replaced in the SIP by the submitted rule listed in Table 1. Additionally, as described below, the EPA’s final

approval of Rule 400 will resolve all deficiencies forming the basis for our previous limited disapproval.

C. What is the purpose of the submitted rule revisions?

The submitted rule is intended to resolve the NSR program deficiencies we identified in our January 12, 2022 final action (“2022 NSR Action”),¹ which included limited disapproval of a prior version of Rule 400. In addition, the District made minor revisions to correct typographical errors, provide clarifying edits, and make other similar minor editorial revisions.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rule?

The EPA has evaluated the submitted rule to determine whether it addresses the deficiencies identified in our 2022 NSR Action. We have also evaluated various additional minor revisions to Rule 400 that were made for clarity and accuracy. We have reviewed the rule as revised for consistency with the Act’s NNSR requirements, including the implementing regulations at 40 CFR 51.160–165, and the relevant regulatory requirements at 40 CFR 51.307, as well as the requirements in sections 110(l) and 193 of the Act for SIP revisions.

B. Does the rule meet the evaluation criteria?

We find that the revisions to Rule 400 correct all deficiencies identified in the 2022 NSR Action, and we find that the other minor revisions to the rule are approvable. The technical support document (TSD) for this proposed rulemaking contains a more detailed analysis and is included in the docket for this action.

The submitted rule complies with the substantive and procedural requirements of CAA section 110(l). With respect to the procedural requirements, based on our review of the public process documentation included with the submitted rule, we find that the District has provided sufficient evidence of public notice and opportunity for comment and public hearings prior to the submittal of this SIP revision and has satisfied these procedural requirements under CAA section 110(l).

With respect to the substantive requirements of CAA section 110(l), we have determined that our approval of the submitted rule would not interfere with the area’s ability to attain or maintain the NAAQS or with any other applicable requirements of the CAA. Similarly, we find that the submitted rule is approvable under section 193 of the Act because it does not modify any control requirement in effect before

November 15, 1990, without ensuring equivalent or greater emission reductions. The submitted rule is otherwise consistent with the criteria for the EPA’s approval of regulations submitted for inclusion in the SIP.

For the reasons stated above and explained further in our TSD, we find that submitted Rule 400 satisfies the applicable requirements under part D of Title I of the Act and other applicable requirements of the Act. This submittal also corrects the deficiencies described in our 2022 NSR Action.

C. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA is proposing approval of Rule 400 into the California SIP. We are proposing this action based on our determination that the submitted rule satisfies the applicable statutory and regulatory provisions governing the regulation of stationary sources under part D of title I of the Act and accompanying regulations at 40 CFR 51.160–165, as well as 40 CFR 51.307. In support of our proposed action, we have concluded that our approval would comply with sections 110(l) and 193 of the Act because the amended rule will not interfere with the continued attainment of the NAAQS in Amador County and does not relax any requirements in the SIP.

This action would also revise the regulatory provisions at 40 CFR 52.281(d) concerning the applicability of the visibility Federal implementation plan (FIP) at 40 CFR 52.28 as it pertains to California, to provide that this FIP does not apply to sources subject to review under the District’s SIP-approved NNSR program. As described in more detail in the TSD for this action, the EPA has previously found Subsections 3.6 and 5.1 of Rule 400 acceptable to meet the visibility provisions for sources subject to the NNSR program at 40 CFR 51.307.²

We will accept comments from the public on this proposal until October 25, 2023. If we finalize this action as proposed, our action will resolve the limited disapproval of Rule 400, incorporate the submitted rule into the SIP and our action would be codified through revisions to 40 CFR 52.220, “Identification of plan—in part.” In conjunction with our final approval into the SIP of the submitted version of Rule 400, we would remove from the SIP the previous version of the rule, identified in Table 2 above.

III. Incorporation by Reference

In this rulemaking, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the rule identified and discussed in section I.A. of this preamble that includes revisions concerning the District’s NSR permitting program for new and modified sources of air pollution under part D of Title I of the CAA. The EPA has made and will continue to make, these materials available through <https://www.regulations.gov> and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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 proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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 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;

¹ 87 FR 1683.

² See TSD for 2018 NSR Action, Section 6.2.

- 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 Clean Air Act.

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).

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address

“disproportionately high and adverse human health or environmental effects” of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA further defines the term fair treatment to mean that “no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.”

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected

area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, and Volatile organic compounds.

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

Dated: September 18, 2023.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2023–20669 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[EPA–R08–RCRA–2023–0034; FRL 10614–01–R8]

Wyoming: Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant authorization to the State of Wyoming for the changes to its hazardous waste program under the Solid Waste Disposal Act, as amended, commonly referred to as the Resource Conservation and Recovery Act (RCRA). The EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and is authorizing the State’s changes through a direct final action, which can be found in the “Rules and Regulations” section of this **Federal Register**. In addition, the EPA is proposing to codify in the regulations entitled, “Hazardous Waste Rules and Regulations, Chapter 1, General Provisions,” Wyoming’s authorized hazardous waste program. The EPA will

incorporate by reference into the Code of Federal Regulations (CFR) those provisions of the State regulations that are authorized and that the EPA will enforce under RCRA.

DATES: Send written comments by October 25, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–RCRA–2023–0034, at <https://www.regulations.gov>. Follow the detailed instructions for submitting comments electronically or by other methods in the **ADDRESSES** section of the direct final rule located in the “Rules and Regulations” section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Moye Lin at (303) 312–6667, lin.moye@epa.gov.

SUPPLEMENTARY INFORMATION: In the “Rules and Regulations” section of this **Federal Register**, the EPA is authorizing changes to the Wyoming program, in addition to codifying and incorporating by reference the State’s hazardous waste program as a direct final rule. The EPA did not make a proposal prior to the direct final rule because we believe these actions are not controversial and do not expect comments that oppose them. We have explained the reasons for this authorization and incorporation by reference in the preamble to the direct final rule.

Unless EPA receives written comments that oppose the authorization and incorporation by reference during the comment period, the direct final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose the authorization, we will withdraw the direct final rule and it will not take immediate effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

Dated: August 31, 2023.

KC Becker,

Regional Administrator, Region 8.

[FR Doc. 2023–20522 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 88, No. 184

Monday, September 25, 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

Farm Service Agency

[Docket ID FSA–2023–0019]

Information Collection Request; Certified State Mediation Program

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision of a currently approved information collection that supports the Certified State Mediation Program. The information collection is necessary to ensure that the grant program is administered properly. The collection of information is used to determine whether participants meet the eligibility requirements to be a recipient of grant funds. Lack of adequate information to make the determination could result in the improper administration of Federal grant funds.

DATES: We will consider comments we receive by November 24, 2023.

ADDRESSES: You may submit comments by the following method: Federal eRulemaking Portal; Go to <https://www.regulations.gov> and search for Docket ID FSA–2023–0019. You may also send comments to the Desk Officer for Agriculture, Office of the Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments will be available for public inspection online at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Tracy Jones, by telephone: 202–720–6771; or by email: tracy.jones@usda.gov. Individuals who require alternative means of communication should contact the USDA TARGET Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay

Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION:

Title: Certified State Mediation Program (7 CFR 785).

OMB Control Number: 0560–0165.

Expiration Date of Approval: January 31, 2024.

Type of Request: Revision.

Abstract: FSA administers the

Certified State Mediation Program (Program) according to Subtitles A of the Title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106). To effectively administer the Program, FSA requires an application for recertification, which includes submission of a letter from the State, a letter from the grantee, SF–424, SF–424A, SF–424B, and SF–425. Approved grantees provide a mid-year report as well as an annual report that includes information on mediation services provided during the preceding Federal fiscal year, assessment of the performance and effectiveness of the State's Program, and any other matters related to the Program as the State elects to include. In addition, approved grantees complete SF–270 to request either advance funding or reimbursement of expenses already paid. The information requested is necessary for FSA to determine the grantee's eligibility and administer the Program effectively.

The total annual burden of 2,898 hours and the respondents of 42 did not change since the last OMB submission. However, the increased responses of 126 was omitted by error in the calculation previously for the estimated number of unduplicated responses to average, four responses per respondent. Those respondents would provide one mid-year report, one annual report, one request for Recertification, and submitting a Request for Advance or Reimbursement (SF–270), at least one time per fiscal year.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual responses.

Estimate of Average Time to Respond: Public reporting burden for collecting information under this notice is estimated to average 5.75 hour per response, including the time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

Type of Respondents: State.

Estimated Number of Respondents: 42.

Estimated Average Number of

Responses per Respondent: 12.

Estimated Total Annual Responses: 504.

Estimated Total Annual Burden on Respondents: 2,898 hours.

The purpose of this notice is to request comments from the public (as well as affected agencies) concerning the information collection request. The comments will help us:

(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 burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political

beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or the USDA TARGET Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Zach Ducheneaux,

Administrator, Farm Service Agency.

[FR Doc. 2023-20667 Filed 9-22-23; 8:45 am]

BILLING CODE 3411-E2-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request an extension of a currently approved information collection in support of the CCC Export Credit Guarantee (GSM-102) Program based on current program levels and participants.

DATES: Comments on this notice must be received by November 24, 2023 to be assured consideration.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:*

<https://www.regulations.gov>. This portal enables respondents to enter short comments or attach a file containing lengthier comments.

- *Email:* Juan.McCoy@usda.gov.

Include OMB Control Number 0551-0004 in the subject line of the message.

- *Mail, Courier, or Hand Delivery:*

Juan McCoy, U.S. Department of Agriculture, Foreign Agricultural Service, 1400 Independence Avenue SW, Room 5768, Washington, DC 20250.

Instructions: All submissions must be identified by the OMB Control Number 0551-0004 and include the name of the agency, the Foreign Agricultural Service.

FOR FURTHER INFORMATION CONTACT:

Amy Slusher, 202 720-0775,

Amy.Slusher@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: CCC Export Credit Guarantee (GSM-102) Program.

OMB Number: 0551-0004.

Expiration Date of Approval: May 31, 2024.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary objective of the GSM-102 program is to expand U.S. agricultural exports by making available export credit guarantees to encourage U.S. private sector financing of foreign purchases of U.S. agricultural commodities on credit terms. The CCC currently has programs operating in at least 144 countries and regions with 95 exporters eligible to participate. Under 7 CFR part 1493, exporters, foreign financial institutions, and U.S. financial institutions are required to submit information including the following, as applicable: (1) information about the exporter, foreign financial institutions, and U.S. financial institutions for program participation; (2) applications for payment guarantees; (3) notices of assignment; (4) repurchase agreements; (5) information regarding the actual export of the commodity (evidence of export report); (6) notice of default and claims for loss; and (7) appeals. In addition, each exporter and exporter's assignee (U.S. financial institution) must maintain records on all information submitted to CCC and in connection with sales made under the GSM-102 program. The information collected is used by CCC to manage, plan, evaluate, and account for government resources. The reports and

records are required to ensure the proper and judicious use of public funds.

Estimate of Burden: The public reporting burden for these collections is estimated to average 0.278 hours per response.

Type of Respondents: U.S. exporters, U.S. financial institutions, and foreign financial institutions.

Estimated Number of Respondents: 47 per annum.

Estimated Number of Responses per Respondent: 86.5 per annum.

Estimated Total Annual Burden of Respondents: 1,130 hours.

Copies of this information collection may be obtained from Dacia Rogers, the Agency Information Collection Coordinator, at Dacia.Rogers@usda.gov.

Requests for Comments: Send comments regarding (a) whether the 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 collection of information including validity of the methodology and assumption 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 automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be available without change, including any personal information provided, for inspection online at <https://www.regulations.gov> and at the mail address listed above between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Comments will be summarized and included in the submission for OMB approval.

Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact RARequest@usda.gov.

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2023-20658 Filed 9-22-23; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE**National Agricultural Statistics Service****Notice of Intent To Reinstate a Previously Approved Information Collection**

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request the reinstatement, with changes, to a previously approved information collection, the Conservation Effects Assessment Project (CEAP) Survey. Revision to burden hours will be needed due to changes in the size of the target, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by November 24, 2023 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0245, Conservation Effects Assessment Project (CEAP) Survey, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov.

Include docket number above in the subject line of the message.

- *Fax:* (855) 838–6382.

- *Mail:* Mail any paper, disk, or CD-ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

- *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT:

Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from Richard Hopper, NASS Clearance Officer, at (202) 720–2206.

SUPPLEMENTARY INFORMATION:

Title: Conservation Effects Assessment Project (CEAP) Survey.

OMB Control Number: 0535–0245.

Type of Request: Statement to seek reinstatement of an information collection.

Abstract: The Conservation Effects Assessment Project (CEAP) was initiated by the United States Department of

Agriculture (USDA) in 2003 as a multi-agency effort to quantify the environmental effects of conservation practices on agricultural lands. As part of this assessment, the National Agricultural Statistics Service (NASS) conducted on-site interviews with farmers during 2003–2006 to document tillage and irrigation practices, application of fertilizer, manure, and pesticides, and use of conservation practices at sample points drawn from the Natural Resources Inventory (NRI) sampling frame. These data were linked through the NRI frame to the Natural Resources Conservation Service (NRCS) soil, climate, and historical survey databases. The combined information was used to model the impact on soil and water resources and to estimate the benefits of conservation practices, including nutrient, sediment, and pesticide losses from farm fields, reductions of in-stream nutrient and sediment concentrations, and impacts on soil quality and erosion.

USDA needs updated scientifically credible data on residue and tillage management, nutrient management, and conservation practices in order to quantify and assess current impacts of farming practices and to document changes. A pilot survey focused in the Chesapeake Bay Watershed was conducted for the 2011 crop year. In 2012 the target area was the Western Lake Erie Basin and the Des Moines River Watershed. In 2013 the target area was the Sacramento River, San Joaquin and Tulare Lake basin watersheds. This group of surveys is referred to as the “*NRI Conservation Tillage and Nutrient Management Survey*” (NRI–CTNMS). The survey questionnaires are modeled after the 2003–2006 CEAP surveys and were administered through personal interviews of farm operators by trained National Association of State Departments of Agriculture (NASDA) enumerators. Under the current approval the sample sizes averaged less than 2,500 operators per year. In 2014 NASS was conducting the survey in the St. Francis River Basin (Arkansas, Missouri and Mississippi). In 2015 and 2016 the CEAP program was expanded to the US level. The target sample size for this approval will be approximately 20,000 farm operators each year.

The data that is collected by the CEAP surveys, provide conservation tillage estimates and is used to model impacts of conservation practices on the larger environment. The summarized results of the survey are available in a web-based format to agricultural producers and professionals, government officials, and the general public.

Authority: The Natural Resources Conservation Service’s (NRCS’s) participation in this agreement is authorized under the Soil and Water Resources Conservation Act of 1977, 16 U.S.C. 2001–2009, as amended, Economy Act U.S.C. 1535. NRCS contracted with NASS to collect and compile this data for them. These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320.

All NASS employees and NASS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, title III of Public Law 115–435, codified in 44 U.S.C. ch. 35. CIPSEA supports NASS’s pledge of confidentiality to all respondents and facilitates the agency’s efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents, subject to the limitations and penalties described in CIPSEA. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Estimate of Burden: Burden will be approximately 10 minutes for a first visit to verify the operator of the NRI point. The operators who did not screen out during the initial visit will be contacted at a later time to complete the survey. The second visit will take an estimated 60 minutes to complete the interview. (It may be possible to complete both during the same visit).

Respondents: Farmers and ranchers.

Estimated Number of Respondents: 20,000 annually.

Frequency of Responses: Potentially, 2 times for each respondent.

Estimated Total Annual Burden: 13,080 hours (based on an overall response rate of approximately 80%).

Comments: 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, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, September 7, 2023.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2023–20578 Filed 9–22–23; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–904]

Forged Steel Fittings From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that the sole producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) December 1, 2021, through November 30, 2022. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 25, 2023.

FOR FURTHER INFORMATION CONTACT: Daniel Alexander, 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) 482–4313.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 2020, Commerce published in the **Federal Register** the antidumping duty order on forged steel fittings from the Republic of Korea (Korea).¹ On February 2, 2023, based on

¹ See *Forged Steel Fittings from India and the Republic of Korea: Antidumping Duty Orders*, 85 FR 80014 (December 11, 2020) (*Order*); see also *Forged Steel Fittings from India and the Republic of Korea: Notice of Correction to the Antidumping Duty and Countervailing Duty Orders*, 85 FR 81876 (December 17 2020).

a timely request for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the *Order*.² This review covers one producer/exporter of the subject merchandise, Samyoung Fitting Co., Ltd. (Samyoung). For a detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.³

Scope of the Order

The product covered by the *Order* is carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions (including hammer unions), and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections. 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>.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the

² See Initiation of Antidumping and Countervailing Duty Administrative Reviews, 88 FR 7060 (February 2, 2023) (Initiation Notice).

³ See Memorandum, “Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review; 2021–2022: Forged Steel Fittings from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

following estimated weighted average dumping margin exists for Samyoung for the POR:

Exporter/producer	Weighted-average dumping margin (percent)
Samyoung Fitting Co., Ltd	2.67

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.⁴ Case briefs or other written comments may be submitted to Commerce no later than 30 days after the date of publication of this notice.⁵ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.⁶ 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.⁷ Case and rebuttal briefs should be filed using ACCESS.⁸ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.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, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.¹⁰ Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.¹¹ Parties should confirm by telephone the date and time of the hearing two days before the scheduled date. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m.

⁴ See 19 CFR 351.224(b).

⁵ See 19 CFR 351.309(c).

⁶ See 19 CFR 351.309(c); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

⁷ See 19 CFR 351.309(c)(2) and (d)(2).

⁸ See 19 CFR 351.303.

⁹ See *Temporary Rule*.

¹⁰ See 19 CFR 351.310(c).

¹¹ See 19 CFR 351.310(d).

Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.¹²

Assessment Rates

Upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.¹³ Pursuant to 19 CFR 351.212(b)(1), if Samyoung's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we intend to calculate importer-specific assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).¹⁴ If Samyoung's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate entries without regard to antidumping duties.¹⁵ The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹⁶

For entries of subject merchandise during the POR produced by Samyoung for which it did not know that the merchandise it sold was destined for the United States, 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.¹⁷

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a

timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted-average dumping margin 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 merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, or a previous segment, but the producer is, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 17.08 percent, the all-others rate established in the LTFV investigation.¹⁸ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

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: September 14, 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 Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2023-20722 Filed 9-22-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-301-803]

Citric Acid and Certain Citrate Salts From Colombia: Final Results of Antidumping Duty Administrative Review; 2021-2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sales of citric acid and certain citrate salts (citric acid) from Colombia were made at less than normal value during the period of review (POR), July 1, 2021, through June 30, 2022.

DATES: Applicable September 25, 2023.

FOR FURTHER INFORMATION CONTACT: T.J. Worthington or David Lindgren, 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) 482-4567 or (202) 482-1671, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 2023, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment on those results.¹ No interested party submitted comments on the *Preliminary Results*. Accordingly, the final results remain unchanged from the *Preliminary Results* and, thus, there is no decision memorandum accompanying this notice. Commerce conducted this review in accordance with section

¹ See *Citric Acid and Certain Citrate Salts from Colombia: Preliminary Results of Antidumping Duty Administrative Review; 2021-2022*, 88 FR 48794 (July 28, 2023) (*Preliminary Results*).

¹² See section 751(a)(3)(A) of the Act.

¹³ See 19 CFR 351.212(b).

¹⁴ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

¹⁵ *Id.*, 77 FR at 8102; see also 19 CFR 351.106(c)(2).

¹⁶ See section 751(a)(2)(C) of the Act.

¹⁷ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁸ See *Order*.

751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order ²

The merchandise covered by the scope of the *Order* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9397 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9397 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Results of Review

Commerce determines that the following weighted-average dumping margin exists for the period July 1, 2021, through June 30, 2022:

Exporter/producer	Weighted-average dumping margin (percent)
Sucroal S.A	6.10

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the final results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, Commerce made no adjustments to the margin calculation methodology used in the *Preliminary Results*; therefore, there are no calculations to disclose for these final results.

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we calculated importer-specific antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. Where the respondent did not report entered value, we calculated 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 sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also calculated an importer-specific *ad valorem* ratio based on estimated entered values. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by the mandatory respondent for which the company did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or

exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.³

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Sucroal S.A. will be equal to the weighted-average dumping margin established in these final results of this administrative review; (2) for merchandise exported by a company not covered in this administrative review but covered in a completed 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, a prior review, or in the investigation but the producer is, 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 the all-others rate of 28.48 percent, the rate established in the investigation of this proceeding.⁴ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in

² See *Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders*, 83 FR 35214 (July 25, 2018) (*Order*).

³ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

⁴ See *Order*, 83 FR at 35215.

Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(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 term of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: September 18, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2023-20660 Filed 9-22-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Institute of Standards and Technology Performance Review Board Membership

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice lists the membership of the National Institute of Standards and Technology Performance Review Board (NIST PRB) and supersedes the list published on September 26, 2022.

DATES: The changes to the NIST PRB membership list announced in this notice are effective September 25, 2023.

FOR FURTHER INFORMATION CONTACT: Didi Hanlein, (240) 449-6356 or by email at desiree.hanlein@nist.gov or Amy Laughter, (202) 845-5196 or by email at amy.laughter@nist.gov at the National Institute of Standards and Technology.

SUPPLEMENTARY INFORMATION: The National Institute of Standards and

Technology Performance Review Board (NIST PRB or Board) reviews performance appraisals, agreements, and recommended actions pertaining to employees in the Senior Executive Service and Senior Professional employees. The Board makes recommendations to the appropriate appointing authority concerning such matters so as to ensure the fair and equitable treatment of these individuals.

This notice lists the membership of the NIST PRB and supersedes the list published in the **Federal Register** on September 26, 2022 (87 FR 58312).

NIST PRB Members

Mojdeh Bahar (C) (alternate), Associate Director for Innovation and Industry Services, National Institute of Standards & Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/24

Hannah Brown (C) (alternate), Deputy Associate Director for Laboratory Programs, National Institute of Standards & Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/25

Marla Dowell (C), Director, CHIPS R&D Metrology Program, National Institute of Standards & Technology, Boulder, CO 80305, Appointment Expires: 12/31/24

Robert Fangmeyer (C) (alternate), Director, Baldrige Performance Excellence Program, Department of Commerce, Gaithersburg, MD 20899, Appointment Expires: 12/31/24

John (JD) Grom (NC), Senior Advisor to the Chief of Staff, National Institute of Standards & Technology, Washington, DC 20230, Appointment Expires: 12/31/25

Paula Patrick (C), Strategic Advisor to Enterprise Services, Department of Commerce, Washington, DC 20230, Appointment Expires: 12/31/24

Chandan Sastry (C), Chief Information Officer for NIST, National Institute of Standards & Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/25

Authority: 5 U.S.C. 4301 *et seq.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2023-20633 Filed 9-22-23; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID O648-XD375]

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of South Atlantic Fishery Management Council's (Council) Seminar Series presentation via webinar.

SUMMARY: The Council will host an oral history of the rock shrimp fishery off the southeastern United States via webinar.

DATES: The webinar presentation will be held on Tuesday, October 10, 2023, from 1 p.m. until 2:30 p.m.

ADDRESSES: *Meeting address:* The presentation will be provided via webinar. The webinar is open to members of the public. Information, including a link to webinar registration will be posted on the Council's website at: <https://safmc.net/safmc-seminar-series/> as it becomes available.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302-8439 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The Council will host an oral history from a member of the South Atlantic Fishery Management Council on the southeastern rock shrimp fishery. The presentation will include information on her family's history in the fishery, development of the rock shrimp fishery off the coast of Florida, new innovations used in the fishery, and the effect of management regulations on the fishery. A question-and-answer session will follow the presentation. Members of the public will have the opportunity to participate in the discussion. The presentation is for informational purposes only and no management actions will be taken.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 19, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–20619 Filed 9–22–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD382]

South Atlantic Fishery Management Council (Council); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of the Snapper Grouper Advisory Panel (AP) in Charleston, SC.

DATES: The meetings will be held October 10–12, 2023. The Snapper Grouper AP will meet from 1 p.m. until 5 p.m. on October 10; from 8:30 a.m. until 5 p.m. on October 11; and 8:30 a.m. until 12 p.m. on October 12, 2023.

ADDRESSES:

Meeting address: Town & Country Inn and Suites, 2008 Savannah Highway, Charleston, SC 29407; phone: (843) 571–1000.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Meeting information, including the agenda, overview, briefing book materials, and an online public comment form will be posted on the Council’s website at: <https://safmc.net/advisory-panel-meetings/> two weeks prior to the meeting. The meeting is open to the public and available via webinar as it occurs. The webinar registration link will be available from the Council’s website. Public comment will also be taken during the meeting.

The agenda for the Snapper Grouper AP meeting includes: updating the blueline tilefish and golden tilefish fishery performance reports; updates and discussion of issues pertaining to Amendment 46 to the Snapper Grouper Fishery Management Plan (Private Recreational Permit); Snapper Grouper Amendment 55 (Scamp and

Yellowmouth Grouper); Snapper Grouper Amendment 44 (Yellowtail Snapper); and providing input for a Management Strategy Evaluation (MSE) for the snapper grouper fishery.

AP members will also receive updates on additional ongoing amendments to the Snapper Grouper Fishery Management Plan and other Council programs and initiatives. The AP will provide input and recommendations on agenda items for the Council’s consideration and address other items as needed.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 19, 2023.

Rey Israel Marquez,

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

[FR Doc. 2023–20620 Filed 9–22–23; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD388]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research’s Arctic Research Activities in the Beaufort and Chukchi Seas (Year 6)

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to the Office of Naval Research (ONR) for the renewal of their IHA to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea.

DATES: This renewal IHA is effective September 18, 2023 through September 13, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). Monitoring and reporting of such takings are also required. The meaning of key terms such as “take,” “harassment,” and “negligible impact” can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency’s regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned, or (2) the activities as described in the Description of the Specified Activities

and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA);

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and
- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>.

The NDAA (Pub. L. 108–136) removed the “small numbers” and “specified geographical region” limitations indicated above and amended the definition of “harassment” as it applies to a “military readiness activity.” The activity for which incidental take of marine mammals is being authorized here qualifies as a military readiness activity.

History of Request

On September 14, 2022, NMFS issued an IHA to ONR to take marine mammals incidental to Arctic Research Activities in the Beaufort and Chukchi Seas (87 FR 57458; September 20, 2022), effective from September 14, 2022 through September 13, 2023. On July 17, 2023, NMFS received an application for the renewal of that initial IHA. As described in the application for Renewal IHA, the activities for which incidental take has been authorized are identical to those covered in the initial 2022 authorization. As required, the applicant also provided a preliminary monitoring report (available at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-office-naval-research-arctic-research-activities-beaufort-2>) which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

This Renewal IHA would cover the sixth year of a larger project for which ONR obtained prior IHAs (83 FR 48799, September 27, 2018; 84 FR 50007, September 24, 2019; 85 FR 53333, August 28, 2020; 86 FR 54931, October 5, 2021; 87 FR 57458, September 20, 2022). The larger project supports the development of an under-ice navigation system under the ONR Arctic Mobile Observing System (AMOS) project.

Description of the Specified Activities and Anticipated Impacts

ONR’s ARA includes the AMOS experiments in the Beaufort and Chukchi Seas. Project activities involve acoustic testing and a multi-frequency navigation system concept test using left-behind active acoustic sources. More specifically, these experiments involve the deployment of moored, drifting, and ice-tethered active acoustic sources from the Research Vessel *Sikuliaq*. Another vessel will be used to retrieve the acoustic sources. The activities planned under the Renewal IHA are identical to those in the initial 2022 IHA.

Anticipated impacts, which would consist of Level B harassment of marine mammals, would also be identical to those analyzed and authorized in the initial 2022 IHA (87 FR 57458, September 20, 2022). ONR’s planned action is for take of a small number of ringed seals (*Pusa hispida hispida*), and two stocks of beluga whales (*Delphinapterus leucas*) by Level B harassment only. The authorized take numbers are identical to those in the

initial 2022 IHA. Neither ONR nor NMFS expects serious injury or mortality to result from ONR’s Arctic Research Activities. Additional information on the planned activities may be found in the notice of proposed IHA (87 FR 44339, July 26, 2022) for the initial 2022 authorization and notice of Final IHA (87 FR 57458, September 20, 2022).

Detailed Description of the Activity

A detailed description of ARA activities for which take is authorized here may be found in the notices of the proposed and final IHA for the initial 2022 authorization (87 FR 44339, July 26, 2022; 87 FR 57458, September 20, 2022). The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices. The renewal IHA is effective from through September 13, 2024.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the notices of the proposed IHA (87 FR 44339, July 26, 2022) for the initial 2022 authorization. NMFS has reviewed the monitoring data from the initial IHA, Stock Assessment Reports, information on relevant Unusual Mortality Events (UMEs), unusual and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial 2022 IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the notices of the proposed and final IHAs for the initial 2022 authorization (87 FR 44339, July 26, 2022; 87 FR 57458, September 20, 2022). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant UMEs, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed and final IHAs

for the initial 2022 authorization (87 FR 44339, July 26, 2022; 87 FR 57458, September 20, 2022). The activities applicable to this authorization remain unchanged from the previously issued

IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in Table 1.

TABLE 1—AUTHORIZED TAKE BY LEVEL B HARASSMENT

Species	Non-impulsive active acoustics (behavioral)	Icebreaking (behavioral)	Icebreaking (TTS)	Total authorized take (behavioral/TTS)	Percentage of stock authorized for take ¹
Beluga whale—Beaufort Sea Stock	134	11	0	145/0	0.369
Beluga whale—Eastern Chukchi Sea Stock	134	11	0	145/0	1.09
Ringed seal	2,839	538	1	3,377/1	1.97

¹ Percentage of stock taken calculated based on proportion of number of Level B takes per the stock population estimate provided in Table 3–1 in the application.

Description of Mitigation, Monitoring and Reporting Measures

The planned mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (87 FR 57458, September 20, 2022) and the discussion of the least practicable adverse impact included in that document and the notice of the proposed IHA (87 FR 44339, July 26, 2022) remain accurate. The following measures are required for this renewal:

- All ships operated by or for the Navy must have personnel assigned to stand watch at all times while underway;
- During moored and drifting acoustic source deployment, ONR must implement a mitigation zone of 180 feet (55 meters) around the deployed source. Deployment must cease if a marine mammal is visually detected within the mitigation zone;
- Ships must avoid approaching marine mammals head-on and must maneuver to maintain a mitigation zone of 500 yards (457 meters) around all observed cetaceans and 200 yards (183 meters) around all other observed marine mammals, provided it is safe to do so;
- Ship captains and subsistence whalers will maintain at-sea communication to avoid conflict of ship transit with hunting activity;
- Activities must cease if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the authorized number of takes have been met, is observed approaching or within the Level A or Level B harassment zones. Activities must not resume until the animal is confirmed to have left the area;

- While underway, all ships must have at least one person trained through the U.S. Navy Marine Species Awareness Training Program on watch during all activities;
- Watch personnel must use standardized data collection forms, whether hard copy or electronic. Watch personnel must distinguish between sightings that occur on transit or during deployment of acoustic sources. Data will be recorded on all days of activities even if marine mammals are not sighted;
- During deployment of acoustic sources or unmanned underwater vehicles (UUVs), visual observation must begin 30 minutes prior to deployment and continue through 30 minutes following the source deployment;
- The ONR will submit a draft report to NMFS Office of Protected Resources (OPR) and Alaska Regional (AKR) on all monitoring conducted under the IHA within 90 calendar days of the completion of each research cruise, or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first. The report must include data regarding acoustic source use, the number of shutdowns during monitoring, any marine mammal sightings (including the marine mammal’s location (latitude and longitude)), and the number of individuals of each species observed during source deployment and operation, and their behavior and distance from the project activities. A final report must be prepared and submitted to NMFS OPR and AKR within 30 days following resolution of comments on the draft report from NMFS;
- If no comments are received from NMFS within 30 days of submission of the draft final report, the draft final report will constitute the final report. If comments are received, a final report

must be submitted within 30 days after receipt of comments;

- In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the ONR must report the incident to the OPR NMFS and to the AKR Stranding Coordinator as soon as feasible. The report must include time, date, and location of discover, species identification, animal condition, observed behaviors, photographs and/or video footage, if available, and circumstances under which the animal was discovered; and
- In the event of a ship strike of a marine mammal by any vessel involved in the activities covered by the authorization, the ONR must report the incident to OPR, NMFS and to the AKR Stranding Coordinator as soon as feasible. The report must include time, date, and location of the incident, species identification, vessel speed, vessel course/heading and operations, sound source status, avoidance measures taken, environmental conditions, animal’s estimated size, length, and behavior, presence and behavior of other marine mammals in the area, estimated fate of the animal, and photos/video footage of the animal, if available.

Comments and Responses

NMFS received no public comments.

Determinations

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible

impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) ONR's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act (NEPA)

In August 2022, the U.S. Navy prepared an Overseas Environmental Assessment (OEA) analyzing the project. Prior to issuing the IHA for the project, we reviewed the 2022 OEA and the public comments received, determined that a separate NEPA analysis was not necessary, and subsequently adopted the document and issued our own Finding of No Significant Impact in support of the issuance of an IHA (87 FR 57458; September 20, 2022).

We have reviewed ONR's application for a renewed IHA for ongoing ARA from September 2023 to September 2024 and the 2022 IHA monitoring report. Based on that review, we have determined that the planned action is identical to that considered in the previous IHA. In addition, no significant new circumstances or information relevant to environmental concerns have been identified. Thus, we have determined that the preparation of a new or supplemental NEPA document is not necessary.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA, 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office.

There is one marine mammal species (Arctic ringed seal) with confirmed occurrence in the study area that is listed as threatened under the ESA. The NMFS Alaska Regional OPR Division issued a Biological Opinion on September 13, 2022 under section 7 of the ESA, on the issuance of an IHA to ONR under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological

Opinion concluded that the action is not likely to jeopardize the continued existence of Arctic ringed seals, and is not likely to destroy or adversely modify Arctic ringed seal critical habitat.

Renewal

NMFS has issued a Renewal IHA to ONR for the take of marine mammals incidental to conducting Arctic Research Activities in the Beaufort and Chukchi Seas through September 13, 2024.

Dated: September 20, 2023.

Catherine Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2023-20741 Filed 9-22-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD365]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) will convene a joint meeting of the Salmon Technical Team (STT) and the Scientific and Statistical Committee's Salmon Subcommittee (SSC-SC). The Model Evaluation Workgroup may also contribute and participate in this meeting.

DATES: The online meeting will be held from 9:30 a.m. until 3:30 p.m. on Wednesday October 11, 2023, and from 9:30 a.m. until 3:30 p.m. on Thursday, October 12, 2023, as needed. All times are Pacific Daylight Time. Meeting times are an estimate, the meeting will end when business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820-2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE

Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820-2410.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to conduct a salmon methodology review to discuss and review proposed changes to analytical methods used in salmon management that were identified at the September 2023 Council meeting. If time allows additional topics may be discussed, including but not limited to future Pacific Council agenda items and salmon-related topics of interest to the STT and SSC-SC. The STT and SSC-SC will report on the outcomes of the meeting to the Pacific Council at their November Council meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

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

Dated: September 19, 2023.

Key Israel Marquez,

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

[FR Doc. 2023-20618 Filed 9-22-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Pacific Coast Groundfish; Salmon Bycatch Minimization Information Collection

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 24, 2023.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at NOAA.PRA@noaa.gov. Please reference OMB Control Number 0648–0794 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Keeley Kent, Groundfish Branch Chief, National Marine Fisheries Service (NMFS), 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115–6349, (206) 247–8252, keeley.kent@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

On February 23, 2021, NMFS published in the **Federal Register** a final rule (86 FR 10857) allowing a Pacific whiting sector cooperative or group of vessels to develop a Salmon Mitigation Plan (SMP) to promote reduction in Chinook salmon bycatch. The SMP is a voluntary agreement by a Pacific whiting fishery Mothership (MS), Catcher/processor (C/P), or Pacific whiting individual fishing quota (IFQ) fishery group to manage Chinook salmon bycatch. The SMP would be approved by NMFS. Those groups with an approved SMP would be required to provide an annual postseason report to the Council and NMFS no later than March 31. The report would describe the group's use of Chinook salmon bycatch avoidance measures and an evaluation of the effectiveness of those measures. It would also describe any amendments to the terms of the SMP that were approved by NMFS during the

fishing year in which the SMP was approved and the reasons that the amendments to the SMP were made. The rule also established that vessels with a NMFS-approved SMP have access to the Chinook salmon bycatch reserve regardless of NMFS implementing other inseason measures to minimize salmon bycatch. Participation in an SMP is voluntary; however, any vessel that chooses not to participate in an SMP would be subject to additional salmon bycatch minimization measures prior to being allowed access to the reserve. The associated regulations are found at 50 CFR part 660. OMB approved the collection-of-information requirements contained in the final rule on March 10, 2021, under OMB Control Number 0648–0794 (Pacific Coast Groundfish Salmon Bycatch Minimization).

II. Method of Collection

The designated SMP representative will have the option of submitting a proposed SMP and/or postseason SMP report to NMFS electronically or by mail.

III. Data

OMB Control Number: 0648–0794.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations; not-for-profit institutions.

Estimated Number of Respondents: 14.

Estimated Time per Response: SMP proposal (10 hours), SMP amendment (3 hours), Administrative appeals for disapproved SMP (6 hours), SMP postseason report (8 hours).

Estimated Total Annual Burden Hours: 113 burden hours.

Estimated Total Annual Cost to Public: \$49.66.

Respondent's Obligation: Required to obtain or retain benefits.

Legal Authority: 50 CFR 660.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the

reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2023–20663 Filed 9–22–23; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burdens.

DATES: Comments must be submitted on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at <https://www.reginfo.gov/public/do/PRAMain>. Please find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the website's search function. Comments can be entered electronically by clicking on the “comment” button next to the information collection on the “OIRA Information Collections Under Review” page, or the “View ICR—Agency

Submission” page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://www.reginfo.gov/public/do/PRAMain>.

In addition to the submission of comments to <https://Reginfo.gov> as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (Commission or CFTC) by clicking on the “Submit Comment” box next to the descriptive entry for OMB Control No. 3038–0005, at <https://comments.cftc.gov/FederalRegister/PublicInfo.aspx>.

Or by either of the following methods:

- **Mail:** Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- **Hand Delivery/Courier:** Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. You should only submit information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission’s regulations.¹ The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

FOR FURTHER INFORMATION CONTACT: Amanda Olear, Director, (202) 418–6700, aolear@cftc.gov; Pamela Geraghty, Deputy Director, (202) 418–5634, pgeraghty@cftc.gov; Peter Sanchez, Acting Associate Director, (202) 418–5237, psanchez@cftc.gov; or Elizabeth Groover, Special Counsel, (202) 418–5985, egroover@cftc.gov, Market Participants Division, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581, and refer to OMB Control No. 3038–0005.

SUPPLEMENTARY INFORMATION:

Title: Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants (OMB Control No. 3038–0005). This is a request for extension of a currently approved information collection.

Abstract: The various collections of information required by part 4 of the Commission’s regulations were previously approved by OMB in accordance with the PRA and assigned OMB control number 3038–0005.² The Commission offers the following summary of the renewal and the resulting impact on existing burden hour estimates associated with this information collection. The Commodity Exchange Act (CEA) empowers the Commission with the authority to require commodity pool operators (CPOs) and commodity trading advisors (CTAs) to maintain books and records and to file reports as required by the Commission.³ The Commission also has the power to promulgate such regulations as it deems necessary to implement the purposes of the CEA.⁴ It is pursuant to this authority that the Commission has promulgated the various compliance requirements for CPOs and CTAs in 17 CFR part 4. The reporting, filing, and recordkeeping requirements within part 4 of the Commission’s regulations were adopted to assist and inform customers, to establish customer protection initiatives for investors, to facilitate monitoring intermediary compliance with part 4 regulations by the Commission and its delegatee, the National Futures Association (NFA), and to enable the Commission to better monitor the market risks posed by its registrants. The information collections are necessary to enable the Commission and NFA to accomplish the purposes of both the CEA and the compliance regime set forth in part 4 of the Commission’s regulations.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. On July 12, 2023, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 88 FR 44280 (60-Day Notice). The Commission did not receive any relevant substantive comments on the 60-Day Notice.

² 17 CFR part 4.

³ 7 U.S.C. 6m(3).

⁴ 7 U.S.C. 8a(5).

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: (1) All persons filing reports required by 17 CFR part 4, and (2) all principals of such persons.

Estimated number of respondents: 49,083.

Estimated number of exempt pools/reports per respondent: 8.8.

Estimated total annual burden on respondents: 432,325 hours.

(Authority: 44 U.S.C. 3501, *et seq.*)

Dated: September 19, 2023.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2023–20634 Filed 9–22–23; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Science Board Closed Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of a closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Government in the Sunshine Act of 1976 (as amended) and title 41, Code of Federal Regulations 102–3.140 through 160, the Department of the Army announces the following committee meeting of the U.S. Army Science Board (ASB) Fall voting session.

Name of Committee: U.S. Army Science Board.

Date: Tuesday, 26 September 2023.

Time: 8:00 a.m.–12:00 p.m.

Location: The Crystal City Marriott at Regan National Airport, 1999 Richmond Highway, Arlington, Virginia 22202.

Purpose of Meeting: The purpose of the meeting is for ASB members to review, deliberate, and vote on the findings and recommendations presented for two Fiscal Year (FY) 2023 studies.

Agenda: Briefing, deliberation, and vote on the following studies:

“Testing, Validating, and Protecting Army use of Artificial Intelligence (AI) and Machine Learning (ML) Models.” This FY23 study contains Controlled Unclassified Information (CUI) and will be presented in a closed session at 08:45–10:00 a.m.

“Advanced Concepts to Support Army Warfighting Functions in the Indo-Pacific.” This FY23 study contains CUI and will be presented in a closed session at 10:15–11:30 a.m.

FOR FURTHER INFORMATION CONTACT: ASB, Designated Federal Officer (DFO),

¹ 17 CFR 145.9.

2530 Crystal Drive, Suite 7098, Arlington, VA 22202; Ms. Heather J. Gerard, the ASB's Designated Federal Officer (DFO), at (406) 926-9090 or email: heather.j.gerard.civ@army.mil, and Mr. Vince L. Bullard, the ASB's Alternate DFO at (571) 215-1408 or email: vinson.l.bullard.civ@army.mil.

Public's Accessibility to the Meeting:

The Department of the Army has determined that the study titled "Testing, Validating, and Protecting Army use of Artificial Intelligence (AI) and Machine Learning (ML) Models" contains CUI and is thus closed to the public in accordance with 5 U.S.C. 552b(c) (4), which permits Federal advisory committee meetings to be closed which are likely to "disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential."

The Department of the Army has determined that the study titled "Advanced Concepts to Support Army Warfighting Functions in Indo-Pacific." contains CUI and is thus closed to the public in accordance with 5 U.S.C. 552b(c) (9), which permits Federal advisory committee meetings to be closed which are likely to "likely to disclose information the premature disclosure of which would-(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action."

SUPPLEMENTARY INFORMATION: (Filing Written Statement): Due to circumstances beyond the control of the Designated Federal Officer, the U.S. Army Science Board was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its September 26, 2023, meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

Pursuant to 41 CFR 102-3.140c, interested persons may submit a written statement for consideration by the ASB. Individuals submitting a written statement must submit their statement to the DFO at the address listed above. Written statements not received at least 10 calendar days prior to the meeting may not be considered by the ASB prior to its scheduled meeting.

The DFO will review all timely submissions and ensure they are provided to the ASB members. The DFO, in consultation with the ASB chair, may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO may allot a specific amount of time for members of the public to present their issues for discussion.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer

[FR Doc. 2023-20747 Filed 9-22-23; 8:45 am]

BILLING CODE 3711-02-P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS Richard M. McCool (LPD-29)

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS Richard M. McCool (LPD-29). Due to the special construction and purpose of this vessel, the Admiralty Counsel of the Navy has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective September 25, 2023 and is applicable beginning September 12, 2023.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Shaun Pehl, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Claims Division (Code 15), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374-5066, 202-685-5040, or admiralty@navy.mil.

SUPPLEMENTARY INFORMATION: Background and Purpose. Executive Order (E.O.) 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 72 COLREGS, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the

provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the Admiralty Counsel of the Navy, under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS Richard M. McCool (LPD-29) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 2(i)(i) pertaining to the vertical position of the task lights in relation to one another; annex I, paragraph 3(a), pertaining to the horizontal separation of the masthead lights; annex I, paragraph 2 (k), pertaining to the vertical separation of the anchor lights.

The Admiralty Counsel of the Navy further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Dated: September 20, 2023.

J.E. Koningisor,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2023-20676 Filed 9-22-23; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2023-SCC-0128]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant) Agreement To Serve or Repay

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for proposed

information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: 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: Teacher Education Assistance for College and Higher Education Grant Program (TEACH Grant) Agreement to Serve or Repay.

OMB Control Number: 1845–0083.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 50,793.

Total Estimated Number of Annual Burden Hours: 25,397.

Abstract: The U.S. Department of Education is requesting a revision of the TEACH Grant Agreement currently approved under OMB No. 1845–0083. The Consider Teachers Act of 2021 (Pub. L. 117–49) made certain changes to the provisions governing the TEACH Grant Program in section 420N of the HEA, one of which was to replace the previous requirement for a TEACH Grant recipient to comply with the requirements for being a highly qualified teacher as defined in section

9101 of the Elementary and Secondary Education Act of 1965 with a requirement for the recipient to meet all state certification requirements for teaching (which may include meeting such requirements through certification obtained through alternative routes to teaching). To reflect this statutory change, we have modified the Agreement by replacing all references to the highly qualified teacher requirement with the new requirement and removing the definition of “highly qualified teacher.” We have also updated the section of the Agreement that describes the terms and conditions of Direct Unsubsidized Loans to reflect certain changes to the Direct Loan Program regulations that were made by a final rule published in the **Federal Register** on November 1, 2022 (87 FR 65904). In addition to making these updates to reflect statutory and regulatory changes, we have made minor, non-substantive wording changes in several places throughout the Agreement for greater clarity.

Dated: September 19, 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. 2023–20616 Filed 9–22–23; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2023–SCC–0119]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Loan Discharge Applications (DL/FFEL/Perkins)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this

information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: 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: Loan Discharge Applications (DL/FFEL/Perkins).

OMB Control Number: 1845–0058.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Individuals or Households; State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 32,761.

Total Estimated Number of Annual Burden Hours: 21,376.

Abstract: The Department of Education requested and received an emergency clearance for the information collection, 1845–0058. The Department is now requesting the 60-day public comment period.

The Higher Education Act of 1965, as amended (HEA), established the Federal Family Education Loan (FFEL) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, and the Federal Perkins (Perkins) Loan programs under Title IV, Parts B, D, and E, respectively. Section 437(c)(1) of the HEA authorizes the discharge of a FFEL or Direct Loan program loan borrower’s obligation to repay their loan(s) based on school closure or false certification of student eligibility. Section 464(g)(1) of the HEA

authorizes the discharge of a Perkins Loan Program loan based on school closure.

The Department published a final rule on November 1, 2022 (87 FR 65904) that made significant changes to the regulations governing loan discharge based on school closure and false certification.

Dated: September 20, 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. 2023-20665 Filed 9-22-23; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

High Energy Physics Advisory Panel

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open virtual meeting of the High Energy Physics Advisory Panel (HEPAP). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 2, 2023, 12:00 p.m. to 2:30 p.m. (eastern time).

ADDRESSES: This meeting is open to the public. This meeting will be held virtually via Zoom. Information to participate can be found on the website closer to the meeting date at <https://science.osti.gov/hep/hepap/meetings/>.

FOR FURTHER INFORMATION CONTACT: John Kogut, Designated Federal Officer (DFO); High Energy Physics Advisory Panel (HEPAP); U.S. Department of Energy; Office of Science; SC-35/ Germantown Building, 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (301) 903-1298; Email: John.Kogut@science.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To discuss the International Benchmarking report. HEPAP will vote on its acceptance.

Tentative Agenda

- Introductions
- Presentation of the International Benchmarking Report—Patricia McBride
- Discussion of the International Benchmarking Report
- Vote by HEPAP members on acceptance of the report
- General, Open Discussion

Public Participation: The meeting is open to the public. A webcast of this

meeting will be available. Please check the website below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut, (301) 903-1298 or by email at: John.Kogut@science.doe.gov. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the High Energy Physics Advisory Panel website: <https://science.osti.gov/hep/hepap/meetings/>.

Signed in Washington, DC, on September 19, 2023.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2023-20671 Filed 9-22-23; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2970-004]

The Village of Argyle, Wisconsin; Notice of Effectiveness of Withdrawal of Application for Surrender of Exemption From Licensing

On October 6, 2021, the Village of Argyle, Wisconsin (exemptee) filed an application to surrender its exemption from licensing for the 50-kilowatt Argyle Hydroelectric Project No. 2970. On July 5, 2023, the licensee filed a notice of withdrawal of the surrender application. The project is located on the East Branch Pecatonica River, in Argyle, Lafayette County, Wisconsin.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,¹ the withdrawal of the application became effective on July 20, 2023, and this proceeding is hereby terminated.

¹ 18 CFR 385.216(b) (2022).

Dated: September 19, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-20728 Filed 9-22-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC23-74-000.

Applicants: Energy Harbor Corp.

Description: Energy Harbor Corp. and Vistra Corp. submits Response to FERC's August 17, 2023, Deficiency Letter and Request for Additional Information.

Filed Date: 9/18/23.

Accession Number: 20230918-5132.

Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: EC23-119-000.

Applicants: Sojitz Corporation of America, AL Blueway Holdings, LLC.

Description: Supplement to August 11, 2023 Joint Application for Authorization Under Section 203 of the Federal Power Act of Sojitz Corporation of America, et al.

Filed Date: 8/21/23

Accession Number: 20230823-0025.

Comment Date: 5 p.m. ET 10/10/23.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG23-294-000.

Applicants: HORIZON HILL WIND, LLC.

Description: Horizon Hill Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/19/23.

Accession Number: 20230919-5035.

Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: EG23-295-000.

Applicants: White Rock Wind East, LLC.

Description: White Rock Wind East, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/19/23.

Accession Number: 20230919-5038.

Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: EG23-296-000.

Applicants: White Rock Wind West, LLC.

Description: White Rock Wind West, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/19/23.

Accession Number: 20230919-5039.

Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: EG23–297–000.
Applicants: House Mountain LLC.
Description: House Mountain LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.
Filed Date: 9/19/23.

Accession Number: 20230919–5078.
Comment Date: 5 p.m. ET 10/10/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–2222–002.
Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2881R16 City of Chanute, KS NITSA NOA to be effective 9/1/2023.

Filed Date: 9/19/23.
Accession Number: 20230919–5074.
Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: ER23–2359–002.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment to ISA/CSA SA Nos. 6967 & 6968; Queue AD2–100/131–Docket No. ER23–2359 to be effective 9/6/2023.
Filed Date: 9/19/23.

Accession Number: 20230919–5042.
Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: ER23–2567–000.
Applicants: EnerSmart Los Coches BESS LLC.

Description: Report Filing: Supplement to Market-Based Application to be effective N/A.

Filed Date: 9/14/23.
Accession Number: 20230914–5042.
Comment Date: 5 p.m. ET 9/25/23.

Docket Numbers: ER23–2888–000.
Applicants: Duke Energy Florida, LLC.

Description: Notice of Cancellation of Service Agreements of Duke Energy Florida, LLC.

Filed Date: 9/15/23.
Accession Number: 20230915–5227.
Comment Date: 5 p.m. ET 10/6/23.

Docket Numbers: ER23–2890–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): CROS bn (Crossroads Solar + BESS) LGIA Filing to be effective 9/12/2023.

Filed Date: 9/19/23.
Accession Number: 20230919–5063.
Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: ER23–2891–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Sandhills 2

Solar Amended and Restated LGIA Filing to be effective 9/6/2023.

Filed Date: 9/19/23.
Accession Number: 20230919–5065.
Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: ER23–2892–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX–AP Solar 4 2nd A&R Generator Interconnection Agreement to be effective 8/29/2023.

Filed Date: 9/19/23.
Accession Number: 20230919–5093.
Comment Date: 5 p.m. ET 10/10/23.

Docket Numbers: ER23–2893–000; TS23–8–000.
Applicants: Horus West Virginia I, LLC, Horus West Virginia I, LLC.

Description: Horus West Virginia I, LLC Requests Temporary Tariff Waiver.
Filed Date: 9/15/23.

Accession Number: 20230915–5233.
Comment Date: 5 p.m. ET 10/6/23.

The filings are accessible in the Commission’s eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission’s Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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: September 19, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–20734 Filed 9–22–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER23–2886–000]

South Energy Investments, 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 South Energy Investments, 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 October 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 TYY, (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: September 19, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-20735 Filed 9-22-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23-540-000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on September 12, 2023, Southern Star Central Gas Pipeline, Inc. (Southern Star) filed a prior notice request for authorization, in accordance with sections 157.205, and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act and Southern Star's blanket certificate issued in Docket No. CP82-479-000 to clarify the extent of its abandonment activities as approved in Docket No. CP23-161-000 Line ESA Replacement Project.

Specifically, Southern Star filed this application clarify the extent of its abandonment activities specifically, the abandonment of the two Line EV delivery points. The abandonment of Line EV and the two delivery points is required as part of a larger project

currently underway to replace Southern Star's Line ESA with Line EVA as described and authorized in CP23-161-000 in Douglas and Leavenworth Counties, Kansas, 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 (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions concerning this application should be directed to Cindy C. Thompson, Director, Regulatory, Compliance, and Information Governance, 4700 State Route 56, Owensboro, Kentucky 42301 at (270) 852-4655; or email at Cindy.Thompson@southernstar.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5 p.m. eastern time on November 18, 2023. How to file protests, motions to intervene, and comments is explained.

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.

Protests

Pursuant to section 157.205 of the Commission's regulations under the

NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is November 18, 2023. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is November 18, 2023. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/how-guides>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 18, 2023. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP23-540-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP23-540-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To send via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available

to assist you at (202) 502-8258 or FERCOnlineSupport@ferc.gov.

Protests and motions to intervene must be served to the applicant either by mail or email (with a link to the document) at: to Cindy C. Thompson, Director, Regulatory, Compliance, and Information Governance, 4700 State Route 56, Owensboro, Kentucky 42301 or by email (with a link to the document) at Cindy.Thompson@southernstar.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.

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 <https://www.ferc.gov/ferc-online/overview>.

Dated: September 19, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023-20727 Filed 9-22-23; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 11257-01-OW]

Notice of Funding Availability for Credit Assistance Under the State Infrastructure Financing Authority Water Infrastructure Finance and Innovation Act Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from

prospective state infrastructure financing authority borrowers seeking credit assistance from the U.S. Environmental Protection Agency (EPA) under the State Infrastructure Financing Authority Water Infrastructure Finance and Innovation Act (SWIFIA) program. EPA estimates that it may lend approximately \$1 billion to help finance approximately \$2 billion in water infrastructure investment.

DATES: LOIs submitted after October 25, 2023 will be reviewed using the scoring criteria outlined in this NOFA.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via EPA's SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact wifia@epa.gov and request a link to the SharePoint site, where they can securely upload their LOIs and then email wifia@epa.gov once the complete LOI package has been uploaded to the SharePoint site.

EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: <https://www.epa.gov/wifia>.

FOR FURTHER INFORMATION CONTACT: Dallas Shattuck, Office of Water, Environmental Protection Agency; telephone number: (202) 564-0972; or email: shattuck.dallas@epa.gov (preferred).

SUPPLEMENTARY INFORMATION:

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- I. Background
- II. Program Funding
- III. Eligibility Requirements
- IV. Budgetary Scoring Determination for Non-Federal Projects
- V. Types and Amount of Credit Assistance
- VI. Letters of Interest and Applications
- VII. Fees
- VIII. Selection Criteria
- IX. Federal Requirements

I. Background

Congress enacted WIFIA as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901-3915, WIFIA authorizes a Federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide Federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

Congress amended WIFIA in America's Water Infrastructure Act of 2018 (AWIA) to authorize Federal credit assistance exclusively for state

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

infrastructure financing authority borrowers.

The WIFIA program's mission is to accelerate investment in our nation's water, wastewater, and stormwater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance. Additionally, the WIFIA program is implementing five key Administration priorities in this 2023 NOFA:

A. Increasing Investment in Economically Stressed Communities

EPA encourages the submission of projects that address the ever-increasing needs of economically stressed and disadvantaged communities to ensure they benefit from investments in water infrastructure, and therefore improve the public health and livability of these communities.

B. Making Rapid Progress on Lead Service Line Replacement

Many drinking water systems still have lead service lines. EPA encourages the submission of drinking water infrastructure projects that will help make rapid progress on replacing lead service lines to reduce exposure to lead and improve public health. There is no safe level of lead in drinking water. Full lead service line replacement can be an effective method to reduce drinking water lead levels. Because of this, WIFIA-funded projects involving lead service line replacement should include a plan, strategy, and/or approach to comply with EPA policy on lead service line replacement.

C. Addressing PFAS and Emerging Contaminants

EPA encourages the submission of projects that focus on reducing exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants through drinking water and/or projects that help address discharges of emerging contaminants from wastewater and/or stormwater systems.

D. Mitigating the Impacts of Drought

EPA supports long-term strategies to conserve water, promote water efficiency and reuse, and protect and diversify communities' sources of water. Taken together, these efforts can help communities address water quantity concerns and reduce their reliance on single sources for drinking water. Due to the WIFIA program's broad range of eligible projects, EPA can finance projects such as aquifer storage and recovery, water reuse, green

infrastructure, stormwater diversion and storage, water loss audits, meter replacement, groundwater replenishment, and nature-based solutions.

E. Supporting One Water Innovation and Resilience

One of the defining features of WIFIA is the broad range of eligible projects that EPA can fund to flexibly support priority needs. EPA encourages borrowers to submit applications for water infrastructure projects that are new and innovative in regards to energy efficiency, addressing drought, or reducing water pollution and contaminants. In addition, EPA encourages the submission of water infrastructure projects that are more resilient to all threats—whether it is natural disasters, climate change, or threats such as bioterrorism and cyber-attacks.

II. Program Funding

A. WIFIA Program Appropriation

Congress appropriated \$5 million in funding to cover the subsidy cost of providing SWIFIA credit assistance. The subsidy cost covers the Federal government's risk that the loan may not be paid back. EPA anticipates that the average subsidy cost for SWIFIA-funded projects will be relatively low; therefore, this funding can be leveraged into a much larger amount of credit assistance. EPA estimates that this appropriation will allow it to provide approximately \$1 billion¹ in long-term, low-cost financing to water infrastructure projects and accelerate approximately \$2 billion in infrastructure investment around the country.

B. Funding Availability Period

LOIs may be submitted by prospective borrowers and will be received by EPA on a rolling basis. LOIs shall be submitted using the SWIFIA LOI form found at <https://www.epa.gov/wifia>. Under the rolling process, LOIs will continually be reviewed and selected based on available funds. LOIs received after October 25, 2023 will be evaluated as described in section VIII of this document. The publication of this NOFA does not impact LOIs previously submitted to EPA, which continue to be reviewed based on the applicable requirements at the time of submission.

¹ This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

Any funding authority not obligated in the fiscal year for which it is authorized remains available for obligation in subsequent years.

LOIs submitted after October 25, 2023 will be reviewed using the scoring criteria outlined in this NOFA. This NOFA provides guidance on all SWIFIA funding authority available including funding from previous years.

III. Eligibility Requirements

The WIFIA statute and implementing rules set forth eligibility requirements for prospective borrowers, projects, and project costs. The requirements outlined below are described in greater detail in the WIFIA program handbook.

A. Eligible Applicants

Prospective borrowers must be a state infrastructure financing authority to be eligible for SWIFIA credit assistance. EPA defines state infrastructure financing authority as the state entity established or designated by the Governor of a state to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

B. Eligible Projects

To be eligible for SWIFIA credit assistance, the SWIFIA project must be a combination of projects, each of which is eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)), for which a state infrastructure financing authority submits to the Administrator a single application.

C. Eligible Costs

As defined under 33 U.S.C. 3906 and described in the WIFIA program handbook, eligible project costs are costs for the SWIFIA project associated with the following activities:

(i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land),

environmental mitigation (including acquisitions pursuant to 33 U.S.C. 3905(8)), construction contingencies, and acquisition of equipment; and

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

IV. Budgetary Scoring Determination for Non-Federal Projects

To comply with Public Law 116–260, a project selected for WIFIA financing using funding appropriated in FY2023 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in the **Federal Register** publication: Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to the Further Consolidated Appropriations Act, 2020 (85 FR 39189, June 30, 2020). These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project considering the scoring criteria.

V. Types and Amount of Credit Assistance

Under SWIFIA, EPA is offering senior loans, on parity with a state infrastructure financing authority's other senior capital market debt of the same credit quality, to help the state infrastructure financing authority lend to multiple projects throughout the state.

A. Minimum Project Costs

A SWIFIA project must have eligible project costs that are reasonably anticipated to equal or exceed \$20 million.

B. Maximum Amount of SWIFIA Credit Assistance

The maximum amount of SWIFIA credit assistance to a state infrastructure financing authority is 49 percent of estimated eligible total costs of the eligible projects that are included in the SWIFIA project.

C. SWIFIA Loan Structures

Prospective SWIFIA borrowers may request one the following loan structures:

(i) EPA accepts the state infrastructure financing authority's existing capital market debt indenture (to the extent the terms are permissible under Federal law and regulation and WIFIA program policies); or

(ii) The state infrastructure financing authority accepts EPA's standard terms. More information on EPA's standard terms is available at www.epa.gov/wifia.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit an LOI and, if invited, an application to EPA to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a SWIFIA loan must submit an LOI describing the SWIFIA project fundamentals and addressing the SWIFIA selection criteria.

The primary purpose of the LOI is to provide adequate information to EPA to validate the eligibility and creditworthiness of the prospective borrower and the prospective SWIFIA project and determine the extent to which the SWIFIA project meets the statutory selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers should utilize the LOI form on the WIFIA website and ensure that sufficient detail about the project is provided for EPA's review. EPA will notify a prospective borrower if its SWIFIA project is deemed ineligible as described in section IV of this document.

Below is guidance on what EPA recommends be included in the LOI.

1. *Loan Information:* The prospective borrower provides information about its legal name, business address, program website, employer/taxpayer identification number, Unique Entity ID from SAM.gov, requested SWIFIA loan amount and SWIFIA project cost amount, type of SRF loans (clean water, drinking water, or both), and requested loan structure.

2. *Supporting Documents:* The prospective borrower provides the most

recent version of the following documents: Intended Use Plan (IUP), SRF Operating Agreements with EPA Regional Office, documentation of the priority setting system, and bond indenture (if applicable).

3. *Contact Information:* The prospective borrower identifies the points of contact with whom the WIFIA program should communicate regarding the LOI. To complete EPA's evaluation, the WIFIA program staff may contact a prospective borrower regarding specific information in the LOI.

4. *Certifications.* The prospective borrower certifies that it will abide by all applicable laws and regulations, if selected to receive funding.

B. Application

After EPA concludes its evaluation of a complete LOI package, a selection committee will invite the prospective borrower to apply based on satisfaction of the eligibility requirements. So long as budget authority remains available, EPA expects that all eligible state infrastructure financing authority prospective borrowers will be invited to apply for a SWIFIA loan.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit an LOI. For information about application and post-closing costs, please refer to the WIFIA fee rule, Fees for Water Infrastructure Project Applications under WIFIA, 40 CFR 35.10080.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for SWIFIA assistance.

The selection criteria described are the statutory selection criteria for state infrastructure financing authority borrowers. Following its eligibility

determination, EPA will determine the extent to which the SWIFIA project meets the statutory selection criteria. They are as follows:

- (i) The extent to which the project financing plan includes public or private financing in addition to assistance under [WIFIA]. 33 U.S.C. 3907(b)(2)(B); 40 CFR 35.10055(a)(10).
- (ii) The likelihood that assistance under [WIFIA] would enable the project to proceed at an earlier date than the project would otherwise be able to proceed. 33 U.S.C. 3907(b)(2)(C); 40 CFR 35.10055(a)(2).
- (iii) The extent to which the project uses new or innovative approaches. 33 U.S.C. 3907(b)(2)(D); 40 CFR 35.10055(a)(3).
- (iv) The amount of budget authority required to fund the Federal credit instrument made available under [WIFIA]. 33 U.S.C. 3907(b)(2)(E).
- (v) The extent to which the project: (1) protects against extreme weather events, such as floods or hurricanes; or (2) helps maintain or protect the environment. 33 U.S.C. 3907(b)(2)(F); 40 CFR 35.10055(a)(4); 40 CFR 35.10055(a)(5).
- (vi) The extent to which the project serves regions with significant energy exploration, development, or production areas. 33 U.S.C. 3907(b)(2)(G); 40 CFR 35.10055(a)(6).
- (vii) The extent to which a project serves regions with significant water resource challenges, including the need to address: (1) water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance. 33 U.S.C. 3907(b)(2)(H); 40 CFR 35.10055(a)(7).
- (viii) The extent to which the project addresses identified municipal, state, or regional priorities. 33 U.S.C. 3907(b)(2)(I); 40 CFR 35.10055(a)(8).
- (ix) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under [WIFIA]. 33 U.S.C. 3907(b)(2)(J); 40 CFR 35.10055(a)(9).
- (x) The extent to which assistance under [WIFIA] reduces the contribution of Federal assistance to the project. 33 U.S.C. 3907(b)(2)(K); 40 CFR 35.10055(a)(11).

IX. Federal Requirements

All projects receiving WIFIA assistance must comply with the applicable Federal requirements. Compliance with Federal requirements is not required for submitting a letter of interest, being invited to apply for a WIFIA loan, or submitting an application. The WIFIA program will review selected projects for compliance with Federal requirements once they have submitted an application. Additional information about Federal compliance requirements is available in the WIFIA program handbook and at <https://www.epa.gov/wifia/wifia-federal-compliance-requirements>.

Authority: 33 U.S.C.3901–3915; 40 CFR part 35.

Michael S. Regan,

Administrator.

[FR Doc. 2023–19687 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 11258–01–OW]

Notice of Funding Availability for Credit Assistance Under the Water Infrastructure Finance and Innovation Act (WIFIA) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from the U.S. Environmental Protection Agency (EPA) under the Water Infrastructure Finance and Innovation Act (WIFIA) program. EPA estimates that it may lend approximately \$6.5 billion to help finance approximately \$13 billion in water infrastructure investment.

DATES: LOIs submitted after October 25, 2023 will be reviewed using the scoring criteria outlined in this NOFA.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via EPA’s SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact wifia@epa.gov and request a link to the SharePoint site, where they can securely upload their LOIs and then email wifia@epa.gov once the complete LOI package has been uploaded to the SharePoint site. EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the

WIFIA program handbook and application materials, on the WIFIA website: <https://www.epa.gov/wifia/>.

FOR FURTHER INFORMATION CONTACT: Dallas Shattuck, Office of Water, Environmental Protection Agency; telephone number: (202) 564–0972; or email: shattuck.dallas@epa.gov (preferred).

SUPPLEMENTARY INFORMATION:

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- I. Background
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- V. Type and Amount of Credit Assistance
- VI. Letters of Interest and Applications
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- VIII. Selection Criteria
- IX. Federal Requirements

I. Background

Congress enacted WIFIA as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901–3915, WIFIA authorizes a Federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide Federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

The WIFIA program’s mission is to accelerate investment in our nation’s water, wastewater, and stormwater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance. Additionally, the WIFIA program is implementing five key Administration priorities in this 2023 NOFA:

A. Increasing Investment in Economically Stressed Communities

EPA encourages the submission of projects that address the ever-increasing needs of economically stressed and disadvantaged communities to ensure they benefit from investments in water infrastructure, and therefore improve the public health and livability of these communities.

B. Making Rapid Progress on Lead Service Line Replacement

Many drinking water systems still have lead service lines. EPA encourages the submission of drinking water infrastructure projects that will help make rapid progress on replacing lead service lines to reduce exposure to lead and improve public health. There is no safe level of lead in drinking water. Full lead service line replacement can be an

effective method to reduce drinking water lead levels. Because of this, WIFIA-funded projects involving lead service line replacement should include a plan, strategy, and/or approach to comply with EPA policy on lead service line replacement.

C. Addressing PFAS and Emerging Contaminants

EPA encourages the submission of projects that focus on reducing exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants through drinking water and/or projects that help address discharges of emerging contaminants from wastewater and/or stormwater systems.

D. Mitigating the Impacts of Drought

EPA supports long-term strategies to conserve water, promote water efficiency and reuse, and protect and diversify communities' sources of water. Taken together, these efforts can help communities address water quantity concerns and reduce their reliance on single sources for drinking water. Due to the WIFIA program's broad range of eligible projects, EPA can finance projects such as aquifer storage and recovery, water reuse, green infrastructure, stormwater diversion and storage, water loss audits, meter replacement, groundwater replenishment, and nature-based solutions.

E. Supporting One Water Innovation and Resilience

One of the defining features of WIFIA is the broad range of eligible projects that EPA can fund to flexibly support priority needs. EPA encourages borrowers to submit applications for water infrastructure projects that are new and innovative in regards to energy efficiency, addressing drought, or reducing water pollution and contaminants. In addition, EPA encourages the submission of water infrastructure projects that are more resilient to all threats—whether it is natural disasters, climate change, or threats such as bioterrorism and cyber-attacks.

II. Program Funding

A. WIFIA Program Appropriation

In the Consolidated Appropriations Act, 2023, signed by the President on December 29, 2022, Congress appropriated \$63 million in funding to cover the subsidy cost of providing WIFIA credit assistance. EPA estimates that this appropriation will allow the Agency to provide approximately \$6.5

billion¹ in long-term, low-cost financing to water infrastructure projects and accelerate approximately \$13 billion in infrastructure investment around the country.

B. Funding Availability Period

LOIs may be submitted by prospective borrowers and will be reviewed by EPA on a rolling basis. LOIs shall be submitted using the LOI form found at <https://www.epa.gov/wifia>. LOIs will be reviewed based on the scoring guide applicable at the time of submission. The publication of this NOFA does not impact LOIs previously submitted to EPA, which continue to be reviewed based on the applicable requirements at the time of submission.

LOIs submitted after October 25, 2023 will be reviewed using the scoring criteria outlined in this NOFA. This NOFA provides guidance on all WIFIA funding authority available including funding from previous years. Any funding authority not obligated in the fiscal year for which it is authorized remains available for obligation in subsequent years.

III. Eligibility Requirements

The WIFIA statute and implementing rules provide eligibility requirements for prospective borrowers, projects, and project costs. In general, the WIFIA program can provide loans to public and private borrowers for a wide variety of water infrastructure projects. Detailed information on WIFIA eligibility requirements for prospective borrowers, projects, and project costs can be found in the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook>.

A. Eligible Applicants

Prospective borrowers must be an eligible entity to receive WIFIA credit assistance. Eligible entities include: corporations, partnerships, joint ventures and trusts; state, local, and tribal governments; and state infrastructure financing authorities.

Public sponsorship is required for projects undertaken by an entity that is not a state or local government or agency or instrumentality of a state or local government, or a tribal government or consortium of tribal governments.

¹ This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

B. Eligible Projects

The WIFIA statute authorizes EPA to provide credit assistance for a wide variety of creditworthy drinking water, wastewater, and stormwater infrastructure projects. The non-exhaustive list below includes several examples of projects eligible for WIFIA credit assistance. For detailed project eligibility information, review the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook>.

- A wide range of wastewater, stormwater, and nonpoint source projects that are eligible under the Clean Water State Revolving Fund (CWSRF). More detailed CWSRF eligibility information can be found at <https://www.epa.gov/cwsrf>;

- A wide range of drinking water infrastructure projects—including treatment, transmission and distribution, source, storage, consolidation/partnerships, and the creation of new systems—that are eligible under the Drinking Water State Revolving Fund (DWSRF). More detailed DWSRF eligibility information can be found at <https://www.epa.gov/dwsrf>;

- Repair, rehabilitation, or replacement of drinking water, wastewater, or stormwater infrastructure;
- Energy efficiency enhancements for a public water system or publicly owned treatment works;
- Desalination, aquifer storage and recovery, water recycling, or other projects to provide an alternative water supply and reduce aquifer depletion;
- Drought prevention, reduction, or mitigation projects;
- Acquisition of real property or an interest in real property, in certain circumstances;
- A combination of drinking water and wastewater projects submitted by a State infrastructure financing authority; and
- A combination of eligible projects, secured by a common security pledge, for which a single entity, or a combination of eligible entities, submits a single application.

C. Eligible Costs

Eligible project costs are costs associated with the following activities:

- (i) Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(ii) Construction, reconstruction, rehabilitation, and replacement activities;

(iii) The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation, construction contingencies and acquisition of equipment;

(iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

IV. Budgetary Scoring Determination for Non-Federal Projects

To comply with Public Law 116–260, a project selected for WIFIA financing using funding appropriated in FY2023 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget (OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in **Federal Register** publication: Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to the Further Consolidated Appropriations Act, 2020 (85 FR 39189, June 30, 2020). These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project considering the scoring criteria.

V. Type and Amount of Credit Assistance

Under this NOFA, EPA will provide credit assistance in the form of direct loans or loan guarantees. Each prospective borrower should list the estimated total capital costs of the project broken down by activity type.

A. Minimum Project Costs

Projects must have eligible costs that are reasonably anticipated to be equal to or exceed \$20 million, or for small communities (serving not more than 25,000 individuals), project costs that are reasonably anticipated to equal or exceed \$5 million.

B. Maximum Amount of WIFIA Credit Assistance

The maximum amount of WIFIA credit assistance to a project is 49% of eligible project costs in almost all instances. EPA may offer small community prospective borrowers credit assistance up to 80% of the eligible project costs.

C. Appropriation Set-Aside for Small Communities

EPA will endeavor to use 15% of its budget authority for small communities. Recognizing the need that exists in both small and large communities to invest in infrastructure, the WIFIA statute requires that EPA set aside 15% of the budget authority appropriated each year for small communities, defined as systems that serve a population of 25,000 or less. Of the funds set aside, any amount not obligated by June 1 of the fiscal year for which budget authority is set aside may be used for any size community.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit an LOI and, if invited, an application to EPA to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a WIFIA loan must submit an LOI describing the project fundamentals and addressing the WIFIA selection criteria. Prospective borrowers can find more information on the LOI at <https://www.epa.gov/wifia>.

The primary purpose of the LOI is to provide adequate information to EPA to: (i) determine the eligibility of the prospective borrower and the prospective project, (ii) perform a preliminary creditworthiness assessment, (iii) perform a preliminary engineering feasibility assessment, and (iv) evaluate the project against the selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook at <https://www.epa.gov/wifia/wifia-program-handbook> to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers must utilize the WIFIA LOI form and follow the guidelines contained on the WIFIA program website: <https://www.epa.gov/wifia>. Prospective borrowers should provide the LOI and any attachments as

Microsoft Word documents or searchable PDF files, whenever possible, to facilitate EPA's review. Additionally, prospective borrowers must ensure that financial information, including the pro forma financial statement, is in a formula-based Microsoft Excel document. Prospective borrowers should provide sufficient detail about the project for EPA's review. EPA will notify a prospective borrower if its project is deemed ineligible as described in section III of this document or if additional information is needed to assess the LOI package.

B. Application

After EPA concludes its evaluation of a complete LOI package, a selection committee will invite the prospective borrower to apply based on review and scoring, as applicable, of the selection criteria and satisfaction of the eligibility requirements. The selection committee may choose to combine multiple LOIs or separate projects from a prospective borrower based on the creditworthiness review and may offer an alternative amount of WIFIA assistance than requested in the LOI. Final applications should be received by EPA within 365 days of the invitation to apply, but EPA may extend the deadline on a case-by-case basis if the LOI schedule signals additional time may be needed.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form at <https://www.epa.gov/wifia> and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit an LOI. For information about application and post-closing costs, please refer to the WIFIA program handbook.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for WIFIA assistance.

EPA will evaluate and select proposed projects described in the LOIs using the selection criteria established in the statute and regulation, and the Administration priorities identified in section I of this document. EPA's priorities reflect water sector challenges that require innovative tools to assist borrowers in managing and adapting to our most pressing public health and environmental challenges. These priorities are reflected in the scoring methodology of the selection criteria below and described in greater detail in the WIFIA program handbook.

The WIFIA selection criteria are divided into three categories: Project Readiness, Borrower Creditworthiness, and Project Impact. Each LOI will be evaluated for the extent to which the project satisfies the criteria listed below for each category. To satisfy the overall category review, it is not necessary to satisfy all criteria for each category. For the Project Impact category, WIFIA staff will score LOIs based on the points indicated below. All projects that satisfy category-level review for all three categories will be selected for funding, assuming sufficient funds are still available. The criteria are as follows:

Project Readiness:

(i) The readiness of the project to proceed toward development, including a demonstration by the obligor that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under WIFIA.

(ii) Preliminary engineering feasibility analysis.

Borrower Creditworthiness:

(i) The likelihood that assistance under WIFIA would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(ii) The extent to which the project financing plan includes public or private financing in addition to assistance under WIFIA.

(iii) The extent to which assistance under WIFIA reduces the contribution of Federal assistance to the project.

(iv) The amount of budget authority required to fund the Federal credit instrument made available under WIFIA.

(v) Preliminary determination of prospective borrower and project creditworthiness.

Project Impact:

(i) 10 points: The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as (1) the reduction of

flood risk; (2) the improvement of water quality and quantity, including aquifer recharge; (3) the protection of drinking water, including source water protection; and (4) the support of international commerce.

(ii) 15 points: The extent to which the project (1) protects against extreme weather events, such as floods, hurricanes or drought; or (2) helps maintain or protect the environment, including Priority D.

(iii) 5 points: The extent to which the project serves regions with significant energy exploration, development, or production areas.

(iv) 10 points: The extent to which a project serves regions with significant water resource challenges, including the need to address: (1) water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance.

(v) 5 points: The extent to which the project addresses identified municipal, state, or regional priorities.

(vi) 10 points: The extent to which the project addresses needs for repair, rehabilitation or replacement of a treatment works, community water system, or aging water distribution or wastewater collection system.

(vii) 15 points: The extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non-economically stressed communities, including Priority A.

(viii) 15 points: The extent to which the project reduces exposure to lead in the nation's drinking water systems or addresses emergent contaminants, including Priorities B and C.

(ix) 15 points: The extent to which the project uses new or innovative approaches, including Priority E.

The scoring scales and guidance used to evaluate each project against the selection criteria are available in the WIFIA program handbook. Prospective borrowers considering WIFIA should review the WIFIA program handbook and discuss how the project addresses each of the selection criteria in the LOI submission.

IX. Federal Requirements

All projects receiving WIFIA assistance must comply with the applicable Federal requirements. Compliance with Federal requirements

is not required for submitting a letter of interest, being invited to apply for a WIFIA loan, or submitting an application. The WIFIA program will review selected projects for compliance with Federal requirements once they have submitted an application. Additional information about Federal compliance requirements is available in the WIFIA program handbook and at <https://www.epa.gov/wifia/wifia-federal-compliance-requirements>.

X. Opportunities To Learn More About the WIFIA Program

EPA hosts regular outreach events and monthly office hours to provide further information about submitting an LOI. The outreach schedule and registration instructions can be found on the WIFIA program website: www.epa.gov/wifia.

Prospective borrowers with questions about the program or interest in meeting with the WIFIA program staff may send a request to wifia@epa.gov. EPA will meet with all prospective borrowers interested in discussing the program prior to submission of an LOI.

Authority: 33 U.S.C. 3901–3915; 40 CFR part 35.

Michael S. Regan,
Administrator.

[FR Doc. 2023–19688 Filed 9–22–23; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2023–0457; FRL–11399–01–OCSPP]

Pesticides; Request for Stakeholder Input on the Proposed Design of a New Grant Program Regarding the Health Care Provider (HCP) Training Program; Notice of Availability and Opportunity for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of a Request for Information (RFI) that seeks public comment on a proposed design for the new grant program related to the Health Care Provider (HCP) Training Program, a cooperative agreement to help medical professionals better prevent, recognize, treat, and manage pesticide-related illness. The Pesticide Registration Improvement Act of 2022 (referred to as PRIA 5) included set-asides of up to \$2.5 million for fiscal years 2023–2027 to fund the HCP Training Program. PRIA 5 also requires EPA to seek input from

persons who conduct farmworker education and training, or technical assistance and training of healthcare providers, to inform the design of the grant program. EPA has previously solicited input on the HCP Training Program design through its Federal advisory committees, which include representatives of these stakeholders. The purpose of this RFI is to solicit additional stakeholder feedback from a broad array of individuals and organizations with knowledge and expertise related to the goals of the HCP Training Program. Additional public input, including environmental justice perspectives, will help the Agency refine the HCP Training Program and design a grant program to more effectively support populations that have historically been at high risk from pesticide-related illness.

DATES: Submit your comments on or before November 24, 2023.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0457, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Aidan Black, Office of Chemical Safety and Pollution Prevention, Pesticide Re-evaluation Division (7508M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: 202-566-2381; email address: black.aidan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This notice is directed to the general public and may be of specific interest to entities that conduct education and training of farmworkers, or technical assistance and training of healthcare providers (e.g., governmental and non-governmental organizations, non-profits, community-based organizations, academic institutions, research institutions, medical institutions, medical associations, community health centers and clinics, public health administration and environmental health administration programs, Indian Tribes, and private sector entities).

Because others may also be interested in this notice, EPA has not attempted to describe all the entities that may be interested in the subject covered in this notice.

B. What is the Agency's authority for taking this action?

The Pesticide Registration Improvement Act of 2022 (referred to as PRIA 5), Public Law 117-328, amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, to include up to \$2,500,000 of set-aside funds for an HCP Training Program. Funds are for fiscal years 2023 through 2027.

Under PRIA section 703(a)(1)(H)(i), the HCP Training Program should provide grants to nonprofit organizations to help medical professionals better prevent, recognize, treat, and manage pesticide-related illness through technical assistance and training; the development of informational materials for technical assistance and training; and the development of outreach and delivery methods.

PRIA section 703(a)(1)(H)(ii) specifies that only nonprofit organizations with demonstrated experience in providing training and technical assistance to health care providers who serve farmworker populations are eligible to receive this funding.

C. Why is EPA taking this action?

This action satisfies PRIA section 703(a)(1)(K)(iv) which requires that EPA seek, in an open and transparent manner that does not provide a competitive advantage to any person or persons, input from persons who conduct farmworker education and training, or technical assistance and training of healthcare providers.

D. What should I consider as I prepare my comments?

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and 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. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

II. Background

EPA previously solicited feedback from the Farmworker and Clinician Training Workgroup of the Pesticide Programs Dialogue Committee (PPDC), a Federal advisory committee group. The PPDC workgroup—which included representatives of community-based organizations that serve farmworkers, healthcare providers, and Indian Tribes; university extension programs; industry; State regulators; farm bureaus; other Federal agencies; and current grantees under EPA cooperative agreements—met monthly for most of a year and formulated a set of nine recommendations (the recommendations can be found at <https://www.epa.gov/system/files/documents/2021-10/presentation-farmworker-and-clinician-training-workgroup-recommendations.pdf>). The National Environmental Justice Advisory Council and the Children's Health Protection Advisory Committee provided related anecdotes and reiterated some of the recommendations of the PPDC workgroup. EPA has incorporated these recommendations into the proposed program design. The Request for Information (RFI), which is available in the docket, seeks additional feedback to build upon those recommendations.

III. Request for Public Comment

A. What feedback does EPA hope to gain from the public comments?

In the RFI, the Agency has proposed a design for the HCP Training Program and has posed a series of questions on that design. Generally, EPA is interested in comments about the types of activities the program could support; about populations at high risk of pesticide-related illness (and who would thus benefit from more highly trained clinicians); and about additional ways to ensure that training and technical assistance under the program accounts for the cultural context, social determinants of health, and vulnerabilities of those populations.

The project objectives are: (1) Administer a national training and technical assistance program to improve the prevention, recognition, treatment, management, and reporting of pesticide-related illness by HCP; and (2) Administer a partnership program to inform the Objective 1 activities and ensure they have both national reach

and local applicability. Each objective has both subobjectives and suggested emphasis areas. For the complete program design, please consult the RFI. EPA's questions are as follows:

- How can EPA and future grantees expand upon the work done through previous cooperative agreements to build HCP capacity, capitalize on existing resources, and avoid duplicating efforts?
- What populations—besides farmworkers, pesticide handlers, and applicators—are at high risk of pesticide-related illness and would benefit from more highly trained HCPs?
- How can EPA ensure that activities under Objective 1 (training and technical assistance) are responsive to the social determinants of health, cultural context, and vulnerabilities of patients at high risk of pesticide-related illness?
- What steps can future grantees take to ensure that recognition, treatment, and management of pesticide-related illness continue to improve at local partner organizations after the project has concluded? What steps can they take to ensure that reporting continues to improve?
- What networks, organizations, and stakeholders are examples of collaborators under Objective 2 (partnership program)? Which could be effective at monitoring and evaluating the project?
- What are examples of activities that this cooperative agreement could support under Objective 1 (training and technical assistance)? Under Objective 2 (partnership program)?
- Do the objectives, as written, exclude any collaborators or activities that would support the program goals?

B. What is the request for information?

In addition to soliciting comment on the questions posed in Unit III.A. of this document, EPA is seeking stakeholder input on the RFI document that is available in the docket. Specifically, EPA is interested in comments about the types of activities the program could support; about populations at high risk of pesticide-related illness (and who would thus benefit from more highly trained clinicians); and about additional ways to ensure that training and technical assistance under the program accounts for the cultural context, social determinants of health, and vulnerabilities of these populations.

EPA encourages all potentially interested parties, including individuals, professional associations, governmental and non-governmental organizations, academic institutions, research institutions, medical institutions, non-profits, community-based organizations, Indian Tribes, and private sector entities to provide responses to any or all questions. To the extent possible, the Agency asks commenters to please cite any public data related to or that supports the responses, and to the extent permissible, describe any supporting data that is not publicly available.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 19, 2023.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2023-20678 Filed 9-22-23; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Appointments Panel Meeting

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Appointments Panel, a subcommittee of the Federal Accounting Standards Advisory Board (FASAB), will hold a meeting on October 5, 2023. The Appointments Panel makes recommendations regarding appointments for non-federal member positions.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512-7350.

SUPPLEMENTARY INFORMATION: The meeting is closed to the public. The reason for the closure is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Pursuant to section 10(d) of the Federal Advisory Committee Act

(FACA), 5 U.S.C. 1009(d), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001-1014.

Dated: September 19, 2023.

Monica R. Valentine,

Executive Director.

[FR Doc. 2023-20659 Filed 9-22-23; 8:45 am]

BILLING CODE 1610-02-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 173749]

Open Commission Meeting Thursday, September 21, 2023

September 14, 2023.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, September 21, 2023, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at: www.fcc.gov/live and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Space	<i>Title:</i> Expediting Initial Processing of Satellite and Earth Station Applications (IB Docket No. 22–411); Space Innovation (IB Docket No. 22–271). <i>Summary:</i> The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking on facilitating and expediting application processing for satellite and earth station operators in order to advance opportunities for innovation in the new space age.
2	Wireline Competition	<i>Title:</i> Updating the 5G Fund for Rural America (GN Docket No. 20–32). <i>Summary:</i> The Commission will consider a Further Notice of Proposed Rulemaking on the implementation of the 5G Fund for Rural America in light of new, precise, and verified mobile coverage data gathered through the Broadband Data Collection.
3	Wireline Competition	<i>Title:</i> Numbering Policies for Modern Communications (WC Docket No. 13–97); Telephone Number Requirements for IP-Enabled Service Providers (WC Docket No. 07–243); Implementation of TRACED Act Section 6(a)—Knowledge of Customers by Entities with Access to Numbering Resources (WC Docket No. 20–67); and Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership (IB Docket No. 16–155). <i>Summary:</i> The Commission will consider a Report and Order to strengthen the Commission’s direct access rules in order to stem the tide of illegal robocalls, protect the nation’s numbering resources from abuse by foreign bad actors, and advance other important public policy objectives tied to the use of numbering resources. The accompanying Second Further Notice of Proposed Rulemaking would seek comment on the duties of existing direct access authorization holders.
4	Media	<i>Title:</i> Updating Obsolete TV Broadcasting Rules (MB Docket No. 22–227). <i>Summary:</i> The Commission will consider a Report and Order which would amend part 73 of the Commission’s Rules to update Television and Class A Television Broadcast Station Rules as well as certain rules applicable to all broadcast stations. This would ensure the FCC’s rules better reflect the current broadcast TV operating environment including changes related to major developments like the transition from analog to digital-only operations and the post-incentive auction transition to a smaller television band with fewer channels.
5	Engineering & Technology	<i>Title:</i> Space Launch Operations (ET Docket No. 13–115). <i>Summary:</i> The Commission will consider a Second Report and Order and Second Further Notice of Proposed Rulemaking that would adopt spectrum allocations and a licensing framework for commercial space launches, ensuring reliable and predictable communications services for the private companies that have an increasingly vital role in U.S. space activities.
6	Enforcement	<i>Title:</i> Enforcement Bureau Action. <i>Summary:</i> The Commission will consider an enforcement action.

* * * * *

The meeting will be webcast at www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences.

Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2023–20707 Filed 9–22–23; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0210]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (OMB Control No. 3064–0210). The notice of the proposed renewal for this information collection was previously published in the **Federal Register** on July 18, 2023, allowing for a 60-day comment period. No comments were received.

DATES: Comments must be submitted on or before October 25, 2023.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Regulatory Counsel, MB–3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at

the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

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: Jennifer Jones, Regulatory Counsel, 202–898–6768, jennjones@fdic.gov, MB–

3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Reporting Requirements Associated with Resolution Planning.

OMB Number: 3064–0210.

Forms: None.

Affected Public: Covered Companies as defined in 12 CFR part 381.

Burden Estimate:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0210]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
12 CFR 381.4(a)—Biennial Filers—Domestic	Reporting (Biennial).	4	1	40,115:00	160,460
12 CFR 381.4(b)—Triennial Full—Complex Foreign	Reporting (Triennial).	1	1	9,916:00	9,916
12 CFR 381.4(b)—Triennial Full—Foreign and Domestic.	Reporting (Triennial).	7	1	5,667:00	39,669
12 CFR 381.4(c)—Triennial Reduced	Reporting (Triennial).	27	1	20:00	540
12 CFR 381.4(d)(6)(ii)—Waivers by Covered Companies.	Reporting (On occasion).	1	1	1:00	1
Total Annual Burden (Hours): .....	.....	.....	.....	.....	210,586

General Description of Collection: This collection comprises the reporting requirements associated with 12 CFR part 381.¹ Section 381 implements the resolution planning requirements of section 165(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act),² which require certain financial companies (covered companies) to report periodically to the FDIC and the Board of Governors of the Federal Reserve System (Board) (together, the agencies) their plans for rapid and orderly resolution under the U.S. Bankruptcy Code³ in the event of material financial distress or failure. The goal of the Dodd-Frank Act resolution planning process is to help ensure that a covered company’s failure would not have serious adverse effects on financial stability in the United States. The resolution planning process requires covered companies to demonstrate that they have adequately assessed the challenges that their structures and business activities pose to a rapid and orderly resolution in the

event of material financial distress or failure and that they have taken action to address those challenges, including through the development of capabilities appropriate to the covered company’s size and complexity.

There is no change in the method or substance of the collection. The 7,254-hour increase in burden hours is a result of an increase in the number of entities subject to the information collection.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, 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 respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 20, 2023.

James P. Sheesley,
Assistant Executive Secretary.

[FR Doc. 2023–20682 Filed 9–22–23; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0143; –0204]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0143; –0204). The notices of the proposed renewal for these information

¹ 12 CFR part 381.

² 12 U.S.C. 5365(d).

³ 11 U.S.C. 101–1532.

collections were previously published in the **Federal Register** on July 24, 2023, allowing for a 60-day comment period.

DATES: Comments must be submitted on or before October 25, 2023.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- **Agency Website:** <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- **Email:** comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- **Mail:** Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation,

550 17th Street NW, Washington, DC 20429.

- **Hand Delivery:** Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

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: Manny Cabeza, Regulatory Counsel, 202–898–3767, mcabeza@fdic.gov, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:
Proposal to renew the following currently approved collection of information:

1. **Title:** Forms Relating to Processing Deposit Insurance Claims.

OMB Number: 3064–0143.

Affected Public: Private sector individuals and entities maintaining deposits at insured depository institutions.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0143]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. 7200/04—Declaration for Government Deposit (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
2. 7200/05—Declaration for Revocable Living Trust (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
3. 7200/06—Declaration of Independent Activity (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
4. 7200/07—Declaration of Independent Activity for Unincorporated Association (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
5. 7200/08—Declaration for Joint Ownership Deposit (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
6. 7200/09—Declaration for Testamentary Deposit (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
7. 7200/10—Declaration for Defined Contribution Plan (Required to obtain benefit).	Reporting (On occasion) ...	1	1	01:00	1
8. 7200/11—Declaration for IRA/KEOGH Deposit (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
9. 7200/12—Declaration for Defined Benefit Plan (Required to obtain benefit).	Reporting (On occasion) ...	1	1	01:00	1
10. 7200/13—Declaration for Custodian Deposit (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
11. 7200/14—Declaration for Health and Welfare Plan (Required to obtain benefit).	Reporting (On occasion) ...	1	1	01:00	1
12. 7200/15—Declaration for Plan and Trust (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
13. 7200/18—Declaration for Irrevocable Trust (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
14. 7200/24—Claimant Verification (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
15. 7200/26—Depositor Interview (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:30	1
16. Deposit Broker Submission Checklist (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:05	0
17. Electronic file on customers, “Broker Input File Requirements” (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:45	1
18. Exhibit A, Affidavit of Agency Account form (Required to obtain benefit).	Reporting (On occasion) ...	1	1	05:00	5
19. Exhibit B, The standard agency agreement, or the non-standard agency agreement (Required to obtain benefit).	Reporting (On occasion) ...	1	1	00:10	0
Total Annual Burden (Hours) .....	.....	.....	.....	.....	21:00

Source: FDIC.

Note: The annual burden estimate for a given collection is calculated in two steps. First, the total number of annual responses is calculated as the whole number closest to the product of the annual number of respondents and the annual number of responses per respondent. Then, the total number of annual responses is multiplied by the time per response and rounded to the nearest hour to obtain the estimated annual burden for that collection. This rounding ensures the annual burden hours in the table are consistent with the values recorded in the OMB’s regulatory tracking system.

This calculation method results in the rounding down to zero hours of very small values such as those shown in ICs 16 and 19.

General Description of Collection: When an insured depository institution (IDI) is closed by its primary regulatory authority, the FDIC has the responsibility to pay the insured deposits pursuant to Section 11(a) and (f) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(a) and (f); and the FDIC’s regulations, “Deposit Insurance Coverage,” 12 CFR part 330, and “Recordkeeping for Timely Deposit Insurance Determination,” 12 CFR part 370. In the event that the requisite information is not available in a failed IDI’s records, the FDIC will utilize these forms, declarations and affidavits to

request the necessary information from a depositor. The forms are used to facilitate the FDIC’s deposit insurance determinations in the event of the failure of an insured depository institution. It includes 19 information collection (IC) line items, including 15 that apply to both depositors and their agents (e.g., deposit brokers) and four intended for use by agents alone.

There is no change in the substance or methodology of this information collection. The change in burden is due to the decline in estimated burden hours from 590 to 21 hours. The decline in estimated hours is driven by the decline in deposit insurance determinations and

associated valid form submissions in the 2018–2022 period.

2. *Title:* Margin and Capital Requirements for Swap Entities [Interagency] IFR.

OMB Number: 3064–0204.

Forms: None.

Affected Public: Any FDIC-insured state-chartered bank that is not a member of the Federal Reserve System or FDIC-insured state-chartered savings association that is registered as a swap dealer, major swap participant, security based swap dealer, or major security based swap participant.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0204]

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. § 349.2 Definition of “Eligible Master Netting Agreement,” paragraphs (4)(i) and (ii)	Recordkeeping (Annual)	1	1	5:00	5
§ 349.8(g) Documentation § 349.10 Documentation of Margin Matters (Mandatory).					
2. § 349.7(c) Custody Agreement (Mandatory)	Recordkeeping (Annual)	1	1	100:00	100
3. § 349.8(c) and (d) Initial Margin Model (Mandatory).	Reporting (On occasion) ...	1	1	240:00	240
4. § 349.8(f)(3) Initial Margin Modeling Report (Mandatory).	Reporting (On occasion) ...	1	1	50:00	50
5. § 349.8(h) Escalation Procedures (Mandatory).	Recordkeeping (Annual)	1	1	20:00	20
6. § 349.9(e) Requests for Determinations (Required to Obtain Benefits).	Reporting (On Occasion) ...	1	1	10:00	10
7. Documentation, 12 CFR 349.8(g) (Mandatory).	Recordkeeping (Annual)	1	1	80:00	80
Total Annual Burden (Hours) .....	.....	.....	.....	.....	505

Source: FDIC.

Note: The annual burden estimate for a given collection is calculated in two steps. First, the total number of annual responses is calculated as the whole number closest to the product of the annual number of respondents and the annual number of responses per respondent. Then, the total number of annual responses is multiplied by the time per response and rounded to the nearest hour to obtain the estimated annual burden for that collection. This rounding ensures the annual burden hours in the table are consistent with the values recorded in the OMB’s regulatory tracking system.

General Description of Collection: The regulations at part 349 subpart A impose reporting and recordkeeping requirements, as defined by the PRA, on any FDIC-insured state-chartered bank that is not a member of the Federal Reserve System or FDIC-insured state-chartered savings association that is registered as a swap entity (covered swap entity). As such, the FDIC must periodically obtain approval from the Office of Management and Budget (OMB) for these collections of information (ICs) with respect to covered swap entities. The OMB

approves these ICs through OMB No. 3064–0204, and last approved the ICR on September 8, 2020 (2020 ICR). OMB No. 3064–0204 is set to expire on September 30, 2023. The 2020 ICR contained eleven ICs comprising 1,261 estimated annual responses for an estimated annual burden of 1,740 hours.

There is no change in the substance or methodology of this information collection. The change in burden is due to the decline in estimated burden hours from 1,760 to 505 hours. The decline in estimated hours is driven primarily from a reduction in the number of ICs

relative to the 2020 ICR. The ICs from the 2020 ICR that were not included in this renewal had an estimated 1,253 annual responses and an estimated 1,295 annual burden hours.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, 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 respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 20, 2023.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2023–20680 Filed 9–22–23; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2023–N–11]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: Members of Federal Home Loan Banks—30-day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA) is seeking public comments concerning an information collection known as “Members of the Banks,” which has been assigned control number 2590–0003 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on September 30, 2023.

DATES: Interested persons may submit comments on or before October 25, 2023.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Agency, Washington, DC 20503, Fax: (202) 395–3047, Email: OIRA_submission@omb.eop.gov. Please also submit comments to FHFA, identified by “Proposed Collection; Comment Request: ‘Members of the Banks, (No. 2023–N–11)’ ” by any of the following methods:

- *Agency Website:* www.fhfa.gov/open-for-comment-or-input.
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the

instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by email to FHFA at RegComments@fhfa.gov to ensure timely receipt by the agency.

- *Mail/Hand Delivery:* Federal Housing Finance Agency, Office of General Counsel, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: “Members of the Banks, (No. 2023–N–11).”

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at <http://www.fhfa.gov>.

Copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

FOR FURTHER INFORMATION CONTACT:

Lindsay Spadoni, Assistant General Counsel, Lindsay.Spadoni@fhfa.gov, (202) 649–3634 or Angela Supervielle, Senior Counsel, Angela.Supervielle@fhfa.gov, (202) 649–3973 (these are not toll-free numbers). For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

A. Paperwork Reduction Act

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that ten or more persons submit information to a third party. FHFA’s collection of information set forth in this document is titled “Members of the Banks” (assigned control number 2590–0003 by OMB). To comply with the PRA requirement, FHFA is publishing notice of a proposed three-year extension of this collection of information and renewal of the control number, which is due to expire on September 30, 2023.

A. Background

The Federal Home Loan Bank System consists of eleven regional Federal Home Loan Banks (Banks) and the Office of Finance (a joint office of the Banks that issues and services the Banks’ debt securities). The Banks are wholesale financial institutions, organized under the authority of the Federal Home Loan Bank Act (Bank Act) to serve the public interest by enhancing

the availability of residential housing finance and community lending credit through their member institutions and, to a limited extent, through certain eligible nonmembers. Each Bank is structured as a regional cooperative that is owned and controlled by member institutions located within its district, which are also its primary customers. The Banks carry out their public policy functions primarily by providing low cost loans, known as advances, to their members. With limited exceptions, an institution may obtain advances and access other products and services provided by a Bank only if it is a member of that Bank.

The Bank Act limits membership in any Bank to specific types of financial institutions located within the Bank’s district that meet specific eligibility requirements. Section 4 of the Bank Act specifies the types of institutions that may be eligible for membership and establishes eligibility requirements that each type of applicant must meet in order to become a Bank member.¹ That provision also specifies that (with limited exceptions) an eligible institution may become a member only of the Bank of the district in which the institution’s “principal place of business” is located.² With respect to the termination of Bank membership, section 6(d) of the Bank Act sets forth requirements pursuant to which an institution may voluntarily withdraw from membership or a Bank may terminate an institution’s membership for cause.³

B. Need For and Use of the Information Collection

FHFA’s regulation entitled “Members of the Banks,” located at 12 CFR part 1263, implements the statutory provisions on Bank membership and otherwise establishes substantive and procedural requirements relating to the initiation and termination of membership. Many of the provisions in the membership regulation require that an institution submit information to a Bank or to FHFA, in most cases to demonstrate compliance with statutory or regulatory requirements or to request action by the Bank or Agency.

There are four types of information collections that may occur under part 1263. First, the regulation provides that (with limited exceptions) no institution may become a member of a Bank unless it has submitted to that Bank an application that documents the applicant’s compliance with the

¹ See 12 U.S.C. 1424(a).

² See 12 U.S.C. 1424(b).

³ See 12 U.S.C. 1426(d).

statutory and regulatory membership eligibility requirements and that otherwise includes all required information and materials.⁴ Second, the regulation provides applicants that have been denied membership by a Bank the option of appealing the decision to FHFA. To file such an appeal, an applicant must submit to FHFA a copy of the Bank's decision resolution denying its membership application and a statement of the basis for the appeal containing sufficient facts, information, and analysis to support the applicant's position.⁵ Third, the regulation provides that, in order to initiate a voluntary withdrawal from Bank membership, a member must submit to its Bank a written notice of intent to withdraw.⁶ Fourth, under certain circumstances, the regulation permits a member of one Bank to transfer its membership to a second Bank "automatically" without either initiating a voluntary withdrawal from the first Bank or submitting a membership application to the second Bank. Despite the regulatory reference to such a transfer as being "automatic," a member meeting the criteria for an automatic transfer must initiate the transfer process by filing a request with its current Bank, which will then arrange the details of the transfer with the second Bank.⁷

The Banks use most of the information collected under part 1263 to determine whether an applicant satisfies the statutory and regulatory requirements for Bank membership and should be approved as a Bank member. The Banks may use some of the information collected under part 1263 as a means of learning that a member wishes to withdraw or to transfer its membership to a different Bank so that the Bank can begin to process those requests. In rare cases, FHFA may use the collected information to determine whether an institution that has been denied membership by a Bank should be permitted to become a member of that Bank.

The OMB control number for this information collection is 2590-0003, which is due to expire on September 30, 2023. The likely respondents are financial institutions that are, or are applying to become, Bank members.

C. Burden Estimate

FHFA has analyzed the time burden imposed on respondents by the four collections under this control number

and estimates that the average annual burden imposed on all respondents by those collections over the next three years will be 2,181 hours. This estimate is derived from the following calculations:

1. Membership Applications

FHFA estimates that the average number of applications for Bank membership submitted annually will be 141 and that the average time to prepare and submit an application and supporting materials will be 15 hours. Accordingly, the estimate for the annual hour burden associated with preparation and submission of applications for Bank membership is (141 applications × 15 hours per application) = 2,115 hours.

2. Appeals of Membership Denials

FHFA estimates that the average number of applicants that have been denied membership by a Bank that will appeal such a denial to FHFA will be 1 and that the average time to prepare and submit an application for appeal will be 50 hours. Accordingly, the estimate for the annual hour burden associated with the preparation and submission of membership appeals is (1 appellant × 50 hours per application) = 50 hours.

3. Notices of Intent To Withdraw From Membership

FHFA estimates that the average number of Bank members submitting a notice of intent to withdraw from membership annually will be 4 and that the average time to prepare and submit a notice will be 1.5 hours. Accordingly, the estimate for the annual hour burden associated with preparation and submission of notices of intent to withdraw is (4 withdrawing members × 1.5 hours per application) = 6 hours.

4. Requests for Transfer of Membership to Another Bank District

FHFA estimates that the average number of Bank members submitting a request for transfer to another Bank will be 5 and that the average time to prepare and submit a request will be 2 hours. Accordingly, the estimate for the annual hour burden associated with preparation and submission of requests for automatic transfer is (5 transferring members × 2 hours per request) = 10 hours.

D. Comment Request

In accordance with the requirements of 5 CFR 1320.8(d), FHFA published an initial notice and request for public comments regarding this information collection in the **Federal Register** on

June 12, 2023.⁸ The 60-day comment period closed on August 11, 2023. FHFA received no comments.

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Shawn Bucholtz,

Chief Data Officer, Federal Housing Finance Agency.

[FR Doc. 2023-20679 Filed 9-22-23; 8:45 am]

BILLING CODE 8070-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov*, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523-5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 201234-006.

Agreement Name: Agreement by Ocean Common Carriers to Participate on the Exchange Board.

Parties: CMA CGM SA; Hapag-Lloyd AG; COSCO Shipping Lines Co., Ltd; COSCO Shipping Co., Ltd.; HMM Company Limited; Maersk A/S; and Ocean Network Express Pte. Ltd. (ONE).

Filing Party: Ashley Craig; Venable LLP.

Synopsis: The Amended would authorize the parties to participate in the governance of New York Shipping Exchange Inc. ("NYSHEX") including NYSHEX member council meetings,

⁸ See 88 FR 38051 (June 12, 2023).

⁴ See 12 CFR 1263.2(a), 1263.6-1263.9, 1263.11-1263.18.

⁵ See 12 CFR 1263.5.

⁶ See 12 CFR 1263.26.

⁷ See 12 CFR 1263.4(b), 1263.18(d), (e).

NYSHEX technology council meetings, and other discussions relevant to the management of NYSHEX in addition to participating in NYSHEX Board meetings. The Amended would also remove Ocean Network Express Pte. Ltd. (ONE) and add Mediterranean Shipping Company SA.

Proposed Effective Date: 10/30/2023.

Location: <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/2064>.

Dated: September 20, 2023.

Carl Savoy,

*Federal Register Alternate Liaison Officer,
Federal Maritime Commission.*

[FR Doc. 2023–20674 Filed 9–22–23; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

[Docket No. 23–05]

Rahal International Inc., Complainant v. Hapag-Lloyd AG, Hapag-Lloyd (America), LLC, and Hapag-Lloyd USA, LLC, Respondents and Third-Party Complainants v. Maher Terminals, LLC, GCT New York LP, and GCT Bayonne LP, Third-Party Respondents; Notice of Filing of Third-Party Complaint; Correction

AGENCY: Federal Maritime Commission.

ACTION: Notice; correction.

SUMMARY: On September 8, 2023, the Federal Maritime Commission (FMC) published a document in the **Federal Register** of September 15, 2023, concerning a third-party complaint filed in Docket No. 23–05. This document incorrectly designated Hapag-Lloyd USA, LLC as a Third-Party Complainant.

FOR FURTHER INFORMATION CONTACT: Amy Strauss, Acting Secretary, (202) 523–5725 or secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 15, 2023, on page 63575:

1. in the first column remove the document title and replace with the following: Rahal International Inc., Complainant v. Hapag-Lloyd AG, Hapag-Lloyd (America), LLC, and

Hapag-Lloyd USA, LLC, Respondents and Hapag-Lloyd AG and Hapag-Lloyd (America), LLC, Third-Party Complainants v. Maher Terminals, LLC, GCT New York LP, and GCT Bayonne LP, Third-Party Respondents; Notice of Filing of Third-Party Complaint

2. in the second column, both times it appears, remove “Hapag-Lloyd AG, Hapag-Lloyd (America), LLC, and Hapag-Lloyd USA, LLC” and replace with the following: Hapag-Lloyd AG and Hapag-Lloyd (America), LLC

3. in the second column, remove the following paragraph: Respondent and Third-Party Complainant Hapag-Lloyd USA, LLC is a United States subsidiary and agent of Hapag-Lloyd AG with its office located in Atlanta, Georgia.

Carl Savoy,

*Federal Register Alternate Liaison Officer,
Federal Maritime Commission.*

[FR Doc. 2023–20642 Filed 9–22–23; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL TRADE COMMISSION

[File No. P222100]

Horseracing Integrity and Safety Authority Anti-Doping and Medication Control Rule Modification

AGENCY: Federal Trade Commission

ACTION: Notice of Horseracing Integrity and Safety Authority (HISA) proposed rule modification; request for public comment.

SUMMARY: As required by the Horseracing Integrity and Safety Act of 2020, the Federal Trade Commission (“FTC” or “Commission”) publishes a proposed rule modification related to the equine Anti-Doping and Medication Control Program of the Horseracing Integrity and Safety Authority (“HISA” or the “Authority”). Specifically, the proposed rule modification would designate iron dextran as a banned substance and thereby prohibit its use. This publication contains the Authority’s proposed rule’s text and explanation, and it seeks public comment on whether the Commission should approve the proposed rule.

DATES: The Commission must approve or disapprove the proposed modification on or before November 24, 2023. If approved, the proposed rule modification would be effective immediately. Comments must be filed on or before October 10, 2023.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section. Write “HISA Anti-Doping and Medication Control Rule Modification” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex H), Washington, DC 20580.

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

SUPPLEMENTARY INFORMATION: On July 8, 2023, pursuant to section 3053(a) of the Horseracing Integrity and Safety Act of 2020 (“Act”) ¹ and FTC Rule 1.142,² the Horseracing Integrity and Safety Authority (“HISA” or the “Authority”) filed with the Commission a proposed modification of the Authority’s anti-doping rules to include iron dextran as a banned substance. Sections I and II below set forth the Authority’s proposal. The Commission is publishing this document to solicit comments on the proposed rule modification from interested persons.

The proposed modification would insert the following row for Iron Dextran into the “Technical Document—Prohibited Substances” appendix to the Prohibited List (Rule Series 4000), between the row for Irbesartan and the row for Isoaminile.

¹ 15 U.S.C. 3051 through 3060.

² 16 CFR 1.142.

HISA listed as	HISA status	Penalty subclassification (specified Substances are designated with 'x')	Substance	Action	Commercial name(s) (developmental names)	Detection time	Screening limit (unless otherwise designated as a threshold). Where no value is listed for serum or plasma the substance
BANNED	S6		Iron Dextran, Colloquial Name: Pig Iron.	Iron deficiency anemia treatment.	Nonemic, Ferrextran, Imposil, Uniferon.		

* * * * *

I. Self-Regulatory Organization’s Statement of the Background, Purpose of, and Statutory Basis for the Proposed Rule Modification

The Horseracing Integrity and Safety Act of 2020 recognizes that the establishment of a national set of uniform standards for racetrack safety and medication control will enhance the safety and integrity of horseracing. The Act mandates and empowers the Authority to establish a uniform anti-doping and controlled medication program (“ADMC Program”) to improve the integrity and safety of horseracing in the United States. The Authority developed the proposed rules that constitute the ADCM Program and filed the proposed rules with the Commission on December 28, 2022. The proposed rules were published in the **Federal Register** on January 26, 2023,³ and were subsequently approved by the Commission by Order dated March 27, 2023.⁴

As part of the ADCM Program, the Authority developed the Rule Series 4000 Prohibited List. This includes a list of permitted and prohibited medications, substances, and methods, including allowable limits of permitted medications, substances, and methods. The Prohibited List uses as a baseline the lists of permitted and prohibited substances (including drugs, medications, and naturally occurring substances and synthetically occurring substances) in effect for the International Federation of Horseracing Authorities (“IFHA”), including the IFHA International Screening Limits for urine and the IFHA International Screening Limits for plasma.

The Prohibited List identifies Prohibited Substances and Prohibited

Methods that are: (a) prohibited at all times (“Banned Substances” and “Banned Methods”) on the basis of the Authority’s determination that medical, veterinary, or other scientific evidence or experience supports their actual or potential (i) ability to enhance the performance in Covered Horses, (ii) masking properties, or (iii) detrimental impact on horse welfare; or (b) prohibited for Use on or Administration to a Covered Horse during the Race Period and prohibited to be present in a Post-Race Sample (which includes samples collected following a Covered Horserace or Vets’ List Workout) or Post-Work Sample (which includes samples collected following a Timed and Reported Workout), except as otherwise specified in the Prohibited List (“Controlled Medication Substances” and “Controlled Medication Methods”). Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic steroids) or by specific reference to a particular substance or method.

The “Technical Document—Prohibited Substances” (“Technical Document”), as an appendix to the Prohibited List (Rule Series 4000), supplements the Prohibited List and sets out additional detail concerning Prohibited Substances. The Technical Document enumerates specific Prohibited Substances that fall into the general categories listed in the Prohibited List and sets forth detection times, screening limits, and thresholds for those Prohibited Substances. The Technical Document also designates certain Prohibited Substances as Specified Substances, which are those that pose a higher risk of being the result of contamination and that are therefore subject to more flexible sanctions. The Authority proposes to modify the Technical Document to add iron dextran as a Banned Substance (S6).⁵ The proposed rule modification is

described in detail in Section II of this publication.

In compliance with 16 CFR 1.142(a), the Authority states that the reason for adopting the proposed rule modification is to protect Covered Horses against the use of iron dextran. Use of iron dextran poses significant risks to the safety and welfare of Covered Horses, as outlined in the supporting documentation it attached as exhibits to its submission to the FTC.⁶ The designation of iron dextran as a Banned Substance will prohibit the use of iron dextran in Covered Horses.

The Authority is careful to consider all reasonable alternatives to a proposed rule modification. In this case, however, the obvious and only course available to protect Covered Horses from the hazards involved in the use of iron dextran is to ban its use.

The Equine Anti-Doping and Controlled Medication Protocol (“Protocol”) will affect Covered Persons, Covered Horses, and Covered Horseraces. The proposed rule modification will help to ensure that Covered Horseraces are conducted in a manner that is consistent with the highest standards of integrity and that prioritizes the safety of Covered Horses and Covered Persons. The welfare of Covered Horses will be secured by a rule that strictly prohibits the administration and possession of iron dextran, by categorizing it as a Banned Substance (S6). All Covered Persons will be subject to sanctions set forth in the Rule 3000 Series for failure to comply with the new ban.

To ensure this proposed rule modification is consistent with the Act and the rules and regulations applicable to the Authority, the Authority took the following principles and mandates into consideration. In accordance with 15 U.S.C. 3055(a)(2), which directs the Authority to consider the unique characteristics of any breed made subject to the Act by election of a State

³ See FTC, HISA Anti-Doping and Medication Control Rule, 88 FR 5070 (Jan. 26, 2023).

⁴ Order Approving the Anti-Doping and Medication Control Rule Proposed by the Horseracing Integrity and Safety Authority (Mar. 27, 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/P222100CommissionOrderAntiDopingMedication.pdf.

⁵ Iron dextran is colloquially referred to as “pig iron.”

⁶ Those exhibits are available as a supporting document on the docket for this matter at <https://www.regulations.gov>.

Racing Commission or breed governing organization, the Authority notes that proposed rule modification is applicable only to Thoroughbred horses, because other breeds are not currently subject to the jurisdiction of the Authority as Covered Horses. The supporting documentation submitted to the Commission along with this proposed rule modification sets forth the need for the prohibition of iron dextran because of its documented effect upon Thoroughbred horses in particular. In developing the proposed rule modification, the Authority accounted for the unique characteristics of Thoroughbred horses.

The Authority also considered the seven factors set forth in 15 U.S.C. 3055(b) and concluded that they support the addition of iron dextran to the list of Prohibited Substances.⁷

With reference to the baseline standards in 15 U.S.C. 3055(g)(2)(a), none of them address the regulation of iron dextran. The proposed rule modification would not render any rule in the Protocol less stringent than previously, because no rule in the Protocol currently addresses the regulation of iron dextran.

Due to the need to act quickly to preserve the safety of Covered Horses, the Authority did not solicit informal public comments in advance of submitting this proposed rule modification to the Commission.

⁷ Those seven factors are: (1) "Covered Horses should compete only when they are free from the influence of medications, other foreign substances, and methods that affect their performance"; (2) "Covered Horses that are injured or unsound should not train or participate in Covered Horseraces, and the use of medications, other foreign substances, and treatment methods that mask or deaden pain in order to allow injured or unsound horses to train or race should be prohibited"; (3) "Rules, standards, procedures, and protocols regulating medication and treatment methods for Covered Horses and Covered Horseraces should be uniform and uniformly administered nationally"; (4) "Consideration should be given to international anti-doping and medication control standards of the IFHA and the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association"; (5) "The administration of medications and treatment methods to Covered Horses should be based upon an examination and diagnosis that identifies an issue requiring treatment for which the medication or method represents an appropriate component of treatment"; (6) "The amount of therapeutic medication that a Covered Horse receives should be the minimum necessary to address the diagnosed health concerns identified during the examination and diagnostic process"; and (7) "The welfare of Covered Horses, the integrity of the sport, and the confidence of the betting public require full disclosure to regulatory authorities regarding the administration of medications and treatments to Covered Horses." See the supporting documents on the docket at www.regulations.gov for the Authority's complete discussion of how these factors relate to the proposed rule modification concerning iron dextran.

However, the Authority did consult with Dr. Dionne Benson, Chief Veterinary Officer for The Stronach Group, whose letter in support of the proposed rule modification⁸ can be found in the supporting documents section of the public docket for this publication on www.regulations.gov.

With the review, input, and ultimate approval of the Authority's Board of Directors, the proposed rule modification to the Rule 4000 Series Technical Document is submitted for Commission approval. As required by 15 U.S.C. 3053(b)(2), the proposed rule modification is consistent with the Act and the rules approved by the Commission. The Authority has consulted with the Horseracing Integrity and Welfare Unit ("HIWU"), the anti-doping and medication control enforcement agency with which the Authority has contracted to enforce the Protocol pursuant to 15 U.S.C. 3054(e)(1)(b). The HIWU has participated in the development of the proposed rule modification and approves of it.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Modification

The Authority submits the proposed rule modification to the Technical Document to designate iron dextran and other iron dextran containing products as Banned Substances under the ADMC Program.

The risk of serious and potentially fatal adverse reactions to iron dextran products, together with its testing limitations, presents a risk of misuse and abuse in Covered Horses. Iron dextran products have Food and Drug Administration ("FDA") approval only for the treatment and prevention of iron-deficiency anemia in swine. Iron and other blood-building supplements nonetheless are often administered to horses to maximize red blood cell count, with the belief that they will improve energy, stamina, and athletic performance. While the Animal Medicinal Drug Use Clarification Act of 1994, 21 U.S.C. 360b, is permissive of the extralabel use of FDA-approved products, the documented health risk of iron dextran to Covered Horses warrants its designation as a Banned Substance under the ADMC Program.

Iron dextran carries an increased risk of anaphylaxis and death in Thoroughbred racehorses, which has prompted some racetracks to ban

⁸ Letter to HISA from Dionne Benson, DVM, JD, Chief Veterinary Officer for The Stronach Group, available among the supporting documents at www.regulations.gov.

possession of these substances. See Benson Letter at 1, *supra* ("Gulfstream Park and Palm Meadows recently prohibited the possession and/or use of injectable iron and injectable iron containing substances on track property. This occurred following the sudden death of several horses in the past two years across all Stronach Group properties shortly after they had been administered injectable iron supplements."); see also Thomas Tobin, MRCVS, Steven G. Kamerling, Ph.D., *Iron: Its Functions and Metabolism in the Horse*, 1986 ("Iron dextran injections should not be used to supplement iron. One author reported that two Thoroughbreds died within 15 hours of parenteral iron dextran injections, and in another case three horses died after the intramuscular injection of iron dextran. Similarly, the administration of supplements containing iron to neonatal foals has been suggested as a cause of death.")⁹ Iron dextran may also pose a risk to a horse's tissues and immune system. See Tobin *et al.*, *supra*. Oral iron supplementation has not been associated with the same risk of anaphylaxis in horses as intramuscular injections.¹⁰

Further, to the extent anemia occurs in horses, it is likely associated with blood loss or an underlying health condition, as opposed to a primary iron deficiency. Thus, equine veterinary experts recommend identifying and treating the source of the anemia before administering an iron supplement and returning the horse to racing and training activities only after the anemia and its cause have resolved. See Benson Letter, *supra*.

Finally, monitoring and testing for iron dextran products in Covered Horses pose significant challenges, as iron is an endogenous mineral in the body. See Benson Letter, *supra*. Thus, it is critical that possession of iron dextran products be prohibited under the rules. By categorizing iron dextran as a Banned Substance under the ADMC Program, it will be prohibited under the Rule 3000 Series.

All the changes in the proposed rule modification are intended to enhance the Rule 4000 Series Technical Document in a manner consistent with the Act. The proposed rule modification

⁹ Supporting documents referenced in this publication can be found in the public docket for this publication on www.regulations.gov.

¹⁰ See Natalie Voss, *As Gulfstream Prohibits Injectable Iron, a Look at the Use of "Iron Shots,"* Paulick Report (Jan. 12, 2023), available at <https://paulickreport.com/horse-care-category/as-gulfstream-prohibits-injectable-iron-a-look-at-the-use-of-iron-shots/>.

is carefully tailored to the unique character of horseracing and to the regulation of Prohibited Substances in Covered Horses.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission must approve or disapprove the proposed modification on or before November 24, 2023. If approved, the proposed rule modification would be effective immediately.

IV. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 10, 2023. Write "HISA Anti-Doping and Medication Control Rule Modification" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we strongly encourage you to submit your comments online. To make sure the Commission considers your online comment, you must file it at <https://www.regulations.gov>, by following the instructions on the web-based form.

If you file your comment on paper, write "HISA Anti-Doping and Medication Control Rule Modification" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex H), Washington, DC 20580. If possible, please submit your paper comment to the Commission by overnight service.

Because your comment will be placed on the publicly accessible website at <https://www.regulations.gov>, you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In

addition, your comment should not include any "any trade secret or any commercial or financial information . . . which is privileged or confidential." 15 U.S.C. 46(f); *see* FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, your comment should not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at <https://www.regulations.gov>, as legally required by FTC Rule 4.9(b), 16 CFR 4.9(b), we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), 16 CFR 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this publication and the news release describing it. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments it receives on or before October 10, 2023. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

April J. Tabor,
Secretary.

[FR Doc. 2023-20631 Filed 9-22-23; 8:45 am]

BILLING CODE 6750-01-P

GENERAL SERVICES ADMINISTRATION

[Notice-Q-2023-04; Docket No. 2023-0002; Sequence No. 33]

Federal Secure Cloud Advisory Committee; Notification of Upcoming Meeting

AGENCY: Federal Acquisition Service (Q), General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), GSA is hereby giving notice of a series of four (4) open public meetings of the Federal Secure Cloud Advisory Committee (FSCAC). Information on attending and providing public comment is under the **SUPPLEMENTARY INFORMATION** section.

DATES: The open public meetings will be held on Thursday, October 19, 2023, from 1:00 p.m. to 3:00 p.m., Eastern Daylight Time (EDT); Thursday, October 26, 2023, from 1:00 p.m. to 3:00 p.m., EDT; Thursday, November 2, 2023, from 1:00 p.m. to 3:00 p.m., EDT; and Thursday, November 9, 2023, from 1:00 p.m. to 3:00 p.m., EST. The agendas for the meetings will be made available prior to the October 19, 2023 meeting online at <https://gsa.gov/fscac>.

ADDRESSES: The meetings will be accessible via webcast. Registrants will receive the webcast information before the meeting.

FOR FURTHER INFORMATION CONTACT: Michelle White, Designated Federal Officer (DFO), FSCAC, GSA, 703-489-4160, fscac@gsa.gov. Additional information about the Committee, including meeting materials and agendas, will be available online at <https://gsa.gov/fscac>.

SUPPLEMENTARY INFORMATION:

Background

GSA, in compliance with the FedRAMP Authorization Act of 2022, established the FSCAC, a statutory advisory committee in accordance with the provisions of FACA (5 U.S.C. 10). The Federal Risk and Authorization Management Program (FedRAMP) within GSA is responsible for providing a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

The FSCAC will provide advice and recommendations to the Administrator of GSA, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding the secure adoption of cloud

computing products and services. The FSCAC will ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities. The purposes of the Committee are:

- To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:
 - Measures to increase agency reuse of FedRAMP authorizations.
 - Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.
 - Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).
 - Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.
- Collect information and feedback on agency compliance with, and implementation of, FedRAMP requirements.
- Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

The FSCAC will meet no fewer than three (3) times a calendar year. Meetings shall occur as frequently as needed, called, and approved by the DFO.

Purpose of the Meetings and Agendas

The October 19, 2023 public meeting will be dedicated to presenting the Committee with additional information on the Cloud Solution Provider (CSP) Authorization Path through an in-depth presentation and facilitated discussions to develop draft recommendations.

The October 26, 2023 public meeting will be dedicated to presenting the Committee with additional information on the Continuous Monitoring (ConMon) process through an in-depth presentation and facilitated discussions to develop draft recommendations.

The November 2, 2023 public meeting will be dedicated to presenting the Committee with additional information on FedRAMP's automation initiatives and opportunities through an in-depth presentation and facilitated discussions to develop draft recommendations.

The November 9, 2023 public meeting will be structured as a working session for the Committee to finalize their

deliverable to the GSA Administrator with the Committee's recommendations for each priority initiative.

The meeting agendas will be posted on <https://gsa.gov/fscac> prior to the October 19, 2023 meeting.

Meeting Attendance

This meeting is open to the public and can be attended virtually. Meeting registration and information is available at <https://gsa.gov/fscac>. Registration for attending the meeting is highly encouraged by 5:00 p.m. on Monday, October 16, 2023 to obtain the virtual meeting information for the meeting on October 19, 2023. Registration for attending the meeting is highly encouraged by 5:00 p.m. on Monday, October 23, 2023 to obtain the virtual meeting information for the meeting on October 26, 2023. Registration for attending the meeting is highly encouraged by 5:00 p.m. on Monday, October 30, 2023 to obtain the virtual meeting information for the meeting on November 2, 2023. Registration for attending the meeting is highly encouraged by 5:00 p.m. on Monday, November 6, 2023 to obtain the virtual meeting information for the meeting on November 9, 2023. After registration, individuals will receive meeting attendance information via email.

For information on services for individuals with disabilities, or to request accommodation for a disability, please email the FSCAC staff at FSCAC@gsa.gov at least 10 days prior to each meeting. Live captioning may be provided virtually.

Public Comment

Members of the public will have the opportunity to provide oral public comment during the FSCAC meetings by indicating their preference when registering. Written public comments can be submitted at any time by completing the public comment form on our website, <https://gsa.gov/fscac>. All written public comments will be provided to FSCAC members in advance of the meeting if received by Wednesday, October 11, 2023, for the Thursday, October 19, 2023 meeting; by Wednesday, October 18, 2023, for the Thursday, October 26, 2023 meeting; by Wednesday, October 25, 2023, for the Thursday, November 2, 2023 meeting; and by Wednesday, November 1, 2023, for the Thursday, November 9, 2023 meeting, respectively.

Elizabeth Blake,

Senior Advisor, Federal Acquisition Service, General Services Administration.

[FR Doc. 2023-20661 Filed 9-22-23; 8:45 am]

BILLING CODE 6820-34-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

World Trade Center Health Program; Notices of Funding Opportunities Public Information Sessions

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of public information sessions.

SUMMARY: The Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH), in the Department of Health and Human Services, announces two public information sessions to provide information on current research funding opportunities published by the World Trade Center (WTC) Health Program. These sessions will provide information to members of the public who may be interested in submitting applications for funding consideration on the scope of the announcements, the application process, the peer review process. CDC staff, including individuals from the NIOSH Office of Extramural Programs (OEP), the WTC Health Program, and CDC's Office of Grants Services (OGS) will answer questions about the four notices of funding opportunities (NOFOs) for FY2024 listed in this notice.

DATES: Public information sessions will be held on October 17 and 18, 2023, 2 p.m. to 3:30 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C-46, Cincinnati, OH 45226; Telephone (404) 498-2500 (this is not a toll-free number); Email NIOSHregs@cdc.gov.

Primary Points of Contact:

- Scientific/Research (NIOSH OEP)—Dr. James Yiin: (513) 841-4271, JCY5@cdc.gov.
- Peer Review (NIOSH OEP)—Ms. Laurel Garrison: (513) 533-8324, LEE5@cdc.gov.
- Financial/Grants Management (CDC OGS)—Ms. Christina Park: (404) 498-0572, LSK1@cdc.gov. Ms. Brownie Anderson-Rana: (770) 488-2771, FLI2@cdc.gov.

SUPPLEMENTARY INFORMATION: Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111-347, as amended by Pub. L. 114-113, 116-59 and 117-328), added Title XXXIII to the Public Health Service

(PHS) Act,¹ establishing the WTC Health Program within the Department of Health and Human Services (HHS). Research conducted under the Zadroga Act includes epidemiologic and other research studies on WTC-related health conditions or emerging conditions among (1) WTC responders, screening-eligible WTC survivors, and certified-eligible WTC survivors under treatment; (2) individuals who meet geographic and exposure requirements for enrollment in the WTC Health Program but are not enrolled; and (3) sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

The Zadroga Act also requires that the WTC Health Program establish a research program addressing the following topics:

- Physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;
- Diagnosing WTC-related health conditions for which there has been diagnostic uncertainty; and
- Treating WTC-related health conditions for which there has been treatment uncertainty.

Funding Opportunity Status

New

1. RFA-OH-24-002 Exploratory/ Developmental Grants on Lifestyle Medicine Research Related to the World Trade Center Health Program (R21).

a. Published in the NIH Guide and available at <https://grants.nih.gov/grants/guide/rfa-files/RFA-OH-24-002.html>.

b. View Grant Opportunity in [grants.gov](https://www.grants.gov/web/grants/view-opportunity.html?oppId=347747) at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=347747>.

2. RFA-OH-24-003 Exploratory/ Developmental Grants Related to the World Trade Center Survivors (R21—No Applications with Responders Accepted).

a. Published in the NIH Guide and available at <https://grants.nih.gov/grants/guide/rfa-files/RFA-OH-24-003.html>.

b. View Grant Opportunity in [grants.gov](https://www.grants.gov/web/grants/view-opportunity.html?oppId=347748) at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=347748>.

3. RFA-OH-24-004 World Trade Center Health Program Mentored

Research Scientist Career Development Award (K01).

a. Published in the NIH Guide and available at <https://grants.nih.gov/grants/guide/rfa-files/RFA-OH-24-004.html>.

b. View Grant Opportunity in [grants.gov](https://www.grants.gov/web/grants/view-opportunity.html?oppId=347827) at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=347827>.

Applications for each of these funding opportunities must be submitted to, and validated successfully by, [Grants.gov](https://www.grants.gov) or eRA systems, no later than 5:00 p.m. U.S. Eastern Time on December 5, 2023. Applicants are strongly encouraged to complete the application process early to ensure adequate time to correct any error or warning notices of noncompliance identified by [Grants.gov](https://www.grants.gov) or eRA systems.

Continuing

The following research funding opportunity *has been updated for the type of project, period of performance, and total funds that can be requested:*

1. PAR-20-280 Cooperative Research Agreements Related to the World Trade Center Health Program (U01).

a. Published in the NIH Guide and available at <https://grants.nih.gov/grants/guide/pa-files/PA-20-280.html>. An update for PAR-20-280 is also available at <https://grants.nih.gov/grants/guide/notice-files/NOT-OH-23-002.html>.

b. View Grant Opportunity in [grants.gov](https://www.grants.gov/web/grants/view-opportunity.html?oppId=329315) at <https://www.grants.gov/web/grants/view-opportunity.html?oppId=329315>.

Applications must be submitted to, and validated successfully by, [Grants.gov](https://www.grants.gov)/eRA systems no later than 5:00 p.m. Eastern Time on December 5, 2023. Applicants are strongly encouraged to complete the application process early to ensure adequate time to correct any error or warning notices of noncompliance identified by [Grants.gov](https://www.grants.gov) or eRA systems.

Closed

The following research funding opportunity *is closed for receipt of additional applications:*

1. RFA-OH-22-004 World Trade Center Health Research-Related to WTC Survivors (U01 no Applications with Responders Accepted), link for reference only: <https://grants.nih.gov/grants/guide/rfa-files/RFA-OH-22-004.html>.

Applicants may consider the funding opportunities listed under New and Continuing.

Public Information Sessions

On October 17 and 18, 2023, from 2 p.m. to 3:30 p.m. Eastern Time, CDC

OGS, NIOSH OEP, and the WTC Health Program will hold two public information sessions, during which the Agency will provide information on the scope of the four NOFOs for FY2024 listed above, as well as information about the application process and the peer review process. Interested applicants will have opportunities to ask questions about the four new and continuing NOFOs and are encouraged to submit questions in advance to the individuals named as primary points of contact above. To participate in either public information session by Zoom or telephone, please follow the instructions at <https://www.cdc.gov/wtc/research.html#fundingOpportunities>.

This notice is not a request for information. CDC OGS, NIOSH OEP, and the WTC Health Program will not take comments during the information sessions. These sessions are intended only to provide information to interested applicants.

John J. Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2023-20636 Filed 9-22-23; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National One Health Framework To Address Zoonotic Diseases and Advance Public Health Preparedness in the United States: A Framework for One Health Coordination and Collaboration Across Federal Agencies; Availability of Informational Webinars

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: General notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces the availability of informational webinars related to the draft framework titled “National One Health Framework to Address Zoonotic Diseases and Advance Public Health Preparedness in the United States: A Framework for One Health Coordination and Collaboration across Federal Agencies (NOHF-Zoonoses).”

¹ Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm-62. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111-347 do not pertain to the WTC Health Program and are codified elsewhere.

DATES: CDC will host three informational webinars.

An informational webinar for State, Tribal, Local, and Territorial (STLT) officials only will be held:

- Tuesday, October 3, 2023, 10:00–11:00 a.m. EDT. Please see the **SUPPLEMENTARY INFORMATION** section for pre-registration information.

Informational Webinars for the general public will be held:

- Thursday, October 12, 2023, 12:00–1:00 p.m. EDT. Please see the **SUPPLEMENTARY INFORMATION** section for pre-registration information.

- Wednesday, October 18, 2023, 3:00–4:00 p.m. EDT. Please see the **SUPPLEMENTARY INFORMATION** section for pre-registration information.

Pre-registration is required for all webinars. Persons interested in participating in the webinars must pre-register no later than one hour prior to the start of the webinar.

FOR FURTHER INFORMATION CONTACT:

Natalie Wendling or Dominic Cristiano, One Health Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H16–5, Atlanta, Georgia 30329. Telephone: 404–639–8950. Email: onehealth@cdc.gov.

SUPPLEMENTARY INFORMATION: CDC has partnered with the U.S. Department of the Interior (DOI), the U.S. Department of Agriculture (USDA), and other departments and agencies to develop a One Health framework to address zoonotic diseases and advance public health preparedness. On September 20, 2023, CDC published a notice requesting public comment on the draft NOHF-Zoonoses (88 FR 64913). Public comments are due November 6, 2023. The Framework can be found at Docket No. CDC–2023–0075 at www.regulations.gov. CDC, DOI, and USDA are offering informational webinars to present the Framework and answer questions. No public comment will be accepted at the webinars.

Pre-Registration Information

Persons interested in participating in the webinars must pre-register at the links below at least one hour prior to the start of the webinar.

October 3, 2023 Webinar

Interested STLT officials are invited to participate by registering with an official government email at the following zoom link: https://cdc.zoomgov.com/webinar/register/WN_xlBala_aQPKetWfjgNV6A.

October 12, 2023 Webinar

Interested persons or organizations are invited to participate by registering at the following zoom link: <https://>

cdc.zoomgov.com/webinar/register/WN_cjNw5lJbRumLF1WkfwFF8A.

October 18, 2023 Webinar

Interested persons or organizations are invited to participate by registering at the following zoom link: https://cdc.zoomgov.com/webinar/register/WN_WObcRpTGQgKvC7ISzPCVPQ.

Resources

- Federal One Health Coordination: <https://www.cdc.gov/onehealth/what-we-do/federal-coordination.html>.
- United States Joint External Evaluation: <https://www.who.int/publications/i/item/WHO-WHE-CPI-2017.13>.
- United States One Health Zoonotic Disease Prioritization Report: <https://www.cdc.gov/onehealth/pdfs/us-ohzdp-report-508.pdf>.

Dated: September 20, 2023.

Tiffany Brown,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2023–20677 Filed 9–22–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–26, CMS–R–185, CMS–116, CMS–2746 and CMS–10261]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance

the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) Regulations; *Use:* The information is necessary to determine an entity’s compliance with the Congressionally-mandated program with respect to the regulation of

laboratory testing (CLIA). In addition, laboratories participating in the Medicare program must comply with CLIA requirements as required by section 6141 of OBRA 89. Medicaid, under the authority of section 1902(a)(9)(C) of the Social Security Act, pays for services furnished only by laboratories that meet Medicare (CLIA) requirements.

This is a revision of the information collection. Based on the notice of proposed rulemaking, published in the **Federal Register** on July 26, 2022 (87 FR 44896), we are revising the information collection request by adding sections. The additional requirements include sections 493.1278, 493.1359, 493.1405–1411; 493.1423, 493.1443–1445, 493.1461–1463; 493.1483; 493.1489–1491. These sections include histocompatibility (493.1278) and personnel (493.1359, 493.1405–1411; 493.1423, 493.1443–1445, 493.1461–1463; 493.1483; 493.1489–1491) require laboratories to revise and update policies and procedures applicable to new or amended requirements. *Form Number*: CMS–R–26 (OMB Control Number: 0938–0612); *Frequency*: Monthly, occasionally; *Affected Public*: Business or other for-profits and Not-for-profit institutions, State, Local or Tribal Governments, and the Federal government; *Number of Respondents*: 49,626; *Total Annual Responses*: 88,259,802; *Total Annual Hours*: 14,514,802. (For policy questions regarding this collection contact Jelani Sanaa at 410–786–1139).

2. Type of Information Collection Request: Revision of currently approved collection; *Title of Information Collection*: Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and CLIA Exemption Under State Laboratory Programs; *Use*: The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is at least equal to or more stringent than those of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). If an accreditation organization is approved, the laboratories that it accredits are “deemed” to meet the CLIA requirements based on this accreditation. Similarly, if a State licensure program is determined to have requirements that are equal to or more stringent than those of CLIA, its laboratories are considered to be exempt from CLIA certification and requirements. The information collected will be used by HHS to: determine comparability/equivalency of the

accreditation organization standards and policies or State licensure program standards and policies to those of the CLIA program; to ensure the continued comparability/equivalency of the standards; and to fulfill certain statutory reporting requirements.

We are revising the information collection request by adding and amending collection requirements for 493.553–557. The proposed rule published in the **Federal Register** on July 26, 2022 (87 FR 44896). These require laboratories to revise and update policies and procedures applicable to new or amended requirements. *Form Number*: CMS–R–185 (OMB control number: 0938–0686); *Frequency*: Occasionally; *Affected Public*: Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents*: 9; *Total Annual Responses*: 9; *Total Annual Hours*: 5,359. (For policy questions regarding this collection contact Arlene Lopez at 410–786–6782.)

3. Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection*: Clinical Laboratory Improvement Amendments (CLIA) Application Form and Supporting Regulations; *Use*: Section 353 (b) of the Public Health Service Act specifies that the laboratory must submit an application in such form and manner as the Secretary shall prescribe that describes the characteristics of the laboratory and examinations and procedures performed by the laboratory. The application must be completed by entities performing laboratory’s testing specimens for diagnostic or treatment purposes. This information is vital to the certification process. In this revision, the majority of changes were minor changes to the form and accompanying instructions to facilitate the completion and data entry of the form. We anticipate that the changes will not increase the time to complete the form. *Form Number*: CMS–116 (OMB control number: 0938–0581); *Frequency*: Biennially and Occasionally; *Affected Public*: Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents*: 64,598; *Total Annual Responses*: 64,598; *Total Annual Hours*: 64,598. (For policy questions regarding this collection contact Kimberly Weaver at 410–786–3366.)

4. Type of Information Collection Request: Reinstatement of a previously approved collection; *Title of Information Collection*: End Stage Renal Disease Death Notification; *Use*: The ESRD Death Notification form (CMS–2746) is completed by all Medicare-

approved ESRD facilities upon death of an ESRD patient. Its primary purpose is to collect fact of death and cause of death of ESRD patients. The ESRD Program Management and Medical Information System (PMMIS) has the responsibility of collecting, maintaining, and disseminating, on a national basis, uniform data pertaining to ESRD patients and their treatment of care. All renal facilities approved to participate in the ESRD program are required by Public Law 95–292 to supply data to this system.

Federal regulations require that the ESRD Networks examine the mortality rates of every Medicare-approved facility within its area of responsibility. CMS–2746 provides the necessary data to assist the ESRD Networks in making decisions that result in improved patient care and in cost-effective distribution of ESRD resources. The data is used by the ESRD Networks to verify facility deaths and to monitor facility performance. The form is also used by health care planning agencies and researchers to determine survival rates by diagnoses. This request is to revise the form to better align with the common verbiage used on standardized forms, by other Federal agencies, including the Census Bureau. *Form Number*: CMS–2746 (OMB control number: 0938–0448); *Frequency*: Yearly; *Affected Public*: Private Sector (Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents*: 7,726; *Total Annual Responses*: 101,491; *Total Annual Hours*: 50,746. (For policy questions regarding this collection contact Christina Goatee at 410–786–6689.)

5. Type of Information Collection Request: Revision of currently approved collection; *Title of Information Collection*: Part C Medicare Advantage Reporting Requirements; *Use*: The Centers for Medicare and Medicaid Services (CMS) established reporting requirements for Medicare Advantage Organizations (MAOs) under the authority described in 42 CFR 422.516(a). Each MAO must have an effective procedure to develop, compile, evaluate, and report to CMS, its enrollees, and the public at the times and in the manner that CMS requires.

These Part C Reporting Requirements will provide key data to CMS on the utilization and cost of these benefits that has not been available since the removal of benefit utilization requirements in 2011. This proposed collection will also build upon the previous collection-by asking for information regarding all unique supplemental benefits categories. These categories match the current Plan Benefit Package (PBP)

which is submitted annually by plans. Additionally, the proposed collection will request information to be split out by the authority under which each plan offers the benefits (mandatory, optional, mandatory-SSBCI, mandatory-Uniformity Flexibility). *Form Number:* CMS-10261 (OMB control number: 0938-1054); *Frequency:* Annually; *Affected Public:* Business or other for-profits; *Number of Respondents:* 743; *Total Annual Responses:* 6,687; *Total Annual Hours:* 187,979. (For policy questions regarding this collection contact Lucia Patrone at (410) 786-8621).

Dated: September 20, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023-20739 Filed 9-22-23; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-2079]

Hospira, Inc., et al.; Withdrawal of Approval of Eight Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice entitled “Hospira, Inc., et al.; Withdrawal of Approval of Eight Abbreviated New Drug Applications” that appeared in the **Federal Register** of June 2, 2023. The document announced the withdrawal of approval (as of July 3, 2023) of eight abbreviated new drug applications (ANDAs) from multiple applicants. The document indicated that FDA was withdrawing approval of ANDA 077029, Calcipotriene Solution, 0.005% after receiving a withdrawal request from Tolmar, Inc., 701 Centre Ave., Fort Collins, CO 80526. Before FDA withdrew the approval of this ANDA, Tolmar, Inc. informed FDA that it did not want the approval of the ANDA withdrawn. Because Tolmar, Inc. timely requested that approval of ANDA 077029 not be withdrawn, the approval is still in effect. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676,

Silver Spring, MD 20993-0002, 240-402-6980, Martha.Nguyen@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Friday, June 2, 2023 (88 FR 36320), in FR Doc. 2023-11744, the following correction is made:

On page 36321, in the table, the entry for ANDA 077029 is removed.

Dated: September 20, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023-20742 Filed 9-22-23; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-N-0853]

Yogurt Products Deviating From Standard of Identity; Amendment of Temporary Marketing Permit

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) are amending Chobani, LLC’s temporary permit to market test lower-fat yogurt products. The temporary permit is amended to allow the use of the test product as an ingredient in other nonstandardized food applications including drinkable beverages, dips, and sauces. This amendment will allow the applicant to continue to test market the test product, as ingredients, in whole or in part, in other nonstandardized foods and collect data on consumer acceptance of the test product.

FOR FURTHER INFORMATION CONTACT: Marjan Morravej, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2371.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 28, 2023 (88 FR 18322), we issued a notice announcing that we issued a temporary permit to Chobani, LLC, 200 Lafayette St., New York, NY 10012, to market test lower-fat yogurt products deviating from the general definition and standard of identity for yogurt with modified milkfat and fat-containing flavoring ingredients, and yogurt deviating from the yogurt standard of identity by using ultrafiltered nonfat milk as a basic dairy ingredient. The permit allowed for the test product to be manufactured at 3450 Kimberly Rd. East, Twin Falls, ID 83301 and 669 County Rd. 25, New Berlin, NY 13411.

We issued the permit to facilitate market testing of products that deviate from the requirements for the basic dairy ingredient provision of the yogurt standard of identity under 21 CFR 131.200(b).

Under our regulations at 21 CFR 130.17(f), we are amending the temporary permit issued to Chobani, LLC, to allow the test product to be used as ingredients, in whole or in part, in other nonstandardized foods. All other conditions and terms of this permit remain the same.

Dated: September 20, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2023-20736 Filed 9-22-23; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Initial Review Group, Mentored Patient-Oriented Research Study Section, October 26, 2023, 10:00 a.m. to October 27, 2023, 6 p.m., National Institutes of Health, Rockledge 1, 6705 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on September 14, 2023, FR Doc 2023-19907, 88 FRN 63115.

The National Heart, Lung, and Blood Institute Initial Review Group, Mentored Patient-Oriented Research Study Section meeting is being amended due to a change of the meeting time formats. The meeting will be held on October 26, 2023, from 9:00 a.m. to October 27, 6:00 p.m. This meeting will be a video assisted meeting, and closed to the public.

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-20648 Filed 9-22-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; K99–U24–R13 SEP.

Date: November 3, 2023.

Time: 2:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Human Genome Research Institute, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarah Jo Wheelan, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908, Bethesda, MD 20892, (301) 402–8823, wheelansj@nih.gov.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; SEP–1 K99 HG013541–01 Member Conflict.

Date: November 3, 2023.

Time: 6:15 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Human Genome Research Institute, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarah Jo Wheelan, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908, Bethesda, MD 20892, (301) 402–8823, wheelansj@nih.gov.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Diversity Centers.

Date: November 16, 2023.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Human Genome Research Institute, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 6700B Rockledge Drive, MSC 6908, Bethesda, MD 20892, (301) 402–8739, pozzattr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20647 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Individually Measured Phenotypes to Advance Computational Translation in Mental Health (IMPACT–MH) (U01 & U24).

Date: October 19–20, 2023.

Time: 9:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard Rockville, MD 20852, (Virtual Meeting).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20892–9608, 301–443–4525, steinerr@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; ALACRITY: Advanced Laboratories for Accelerating the Reach and Impact of Treatments for Youth and Adults with Mental Illness Centers.

Date: October 19, 2023.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Regina Dolan-Sewell, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd.,

Bethesda, MD 20852, (240) 796–6785, regina.dolan-sewell@nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Brain Behavior Quantification and Synchronization—Data Coordination and Artificial Intelligence Center.

Date: October 20, 2023.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Evon Abisaid, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20852, 301–827–0399, ereifejes@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20652 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function C Study Section.

Date: October 12–13, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: James W. Mack, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435-2037, mackj2@csr.nih.gov.

Name of Committee: Biology of Development and Aging Integrated Review Group; Mechanisms of Cancer Therapeutics A Study Section.

Date: October 16–17, 2023.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435-3504, tothct@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—1 Study Section Pathophysiology of Eye Disease—1 Study Section (PED1).

Date: October 16–17, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Afia Sultana, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827-7083, sultana@mail.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Management in General Care Settings Study Section.

Date: October 16–17, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Place Georgetown, 2121 M Street NW, Washington, DC 20037.

Contact Person: Jessica Campbell Chambers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-5693, jessica.chambers@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: October 16–17, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, malaiyandilm@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: October 16–17, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301-435-1254, yakovleva@csr.nih.gov.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Gene Regulation in Cancer Study Section.

Date: October 16–17, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manzoor A. Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435-2477, zargerma@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 18, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-20651 Filed 9-22-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Advancing Translational Sciences Advisory Council.

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below.

Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

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 Center for Advancing Translational Sciences Advisory Council.

Date: September 28, 2023.

Closed: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, Building 31, Room F/G, 9000 Rockville Pike, Bethesda, MD 20892.

Open: 1:00 p.m. to 6:00 p.m.

Agenda: Report from the Center Director, ARPA-H Presentation, Program Updates (2), Clearance of Concepts (3).

Place: National Center for Advancing Translational Sciences, National Institutes of Health, Building 31, Room F/G, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, National Institutes of Health, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301-435-0809, anna.ramseyewing@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.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice no later than 15 days after the meeting at NCATSCouncilInput@mail.nih.gov. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20654 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIHAI75N93023R00003: Pre-clinical Models of Infectious Diseases—Task Area B.

Date: October 20–23, 2023.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Annie Walker-Abbey, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20852, 240–627–3390, aabbey@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 18, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20650 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 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: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Transition to Independence Study Section.

Date: November 16–17, 2023.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Canopy by Hilton Washington DC Bethesda North, 940 Rose Avenue, North Bethesda, MD 20892 (Hybrid Meeting).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–H, Bethesda, MD 20892, (301) 827–7969, Pintuccig@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20649 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Council of Research Advocates.

The meeting will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov>.

Name of Committee: National Cancer Institute Council of Research Advocates.

Date: October 4, 2023.

Time: 12:00 p.m. to 3:15 p.m.

Agenda: Welcome and Chairwoman's Remarks, NCI Director's Update, NCI Updates, and Legislative Update.

Place: Porter Neuroscience Research Center, National Institutes of Health, Building 35A, Room 610, 35 Convent Drive, Bethesda, MD 20892–2580 (Hybrid Meeting).

Contact Person: Amy Williams, Acting Director, NCI Office of Advocacy Relations, National Cancer Institute, NIH, 31 Center Drive, Building 31, Room 10A28, Bethesda, MD 20892, (240) 781–3406, william@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCRA: <http://deainfo.nci.nih.gov/advisory/ncra/ncra.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 18, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20653 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders D Study Section BRAIN Review New Technologies and Optimization (NSD-D).

Date: October 19–20, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Mir Ahamed Hossain, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH NSC, 6001 Executive Blvd., Rockville, MD 20852–9529, 301–496–9223, mirahamed.hossain@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Neurological Sciences and Disorders D (NSD-D), Member Conflict.

Date: October 27, 2023.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Bo-Shiun Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH NSC, 6001 Executive Blvd., Rockville, MD 20852, 301–496–9223, bo-shiun.chen@nih.gov.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A Study Section.

Date: October 30–31, 2023.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW, Washington, DC 20037.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH NSC, 6001 Executive Blvd., Rockville, MD 20852, 301–402–0288, natalia.strunnikova@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS.)

Dated: September 20, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20694 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Cancer Institute; Notice of Closed Meetings**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Transition to Independence Study Section (I).

Date: October 18–19, 2023.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850 (Virtual Meeting).

Contact Person: Delia Tang, M.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Rockville, Maryland 20850, 240–276–6456, tangd@mail.nih.gov.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project (P01) Review SEP–E.

Date: November 9, 2023.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room

7W126, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Rockville, Maryland 20850, 240–276–6611, mukesh.kumar3@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: September 20, 2023.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20681 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: November 7, 2023.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mairi Noverr, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G13A, Rockville, MD

20852, (240) 747-7530, mairi.noverr@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 19, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-20656 Filed 9-22-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Population Assessment of Tobacco and Health (PATH) Study.

Date: October 31, 2023.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shareen Iqbal, Ph.D., M.P.H., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443-4577, shareen.iqbal@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA-K Alternate SEP.

Date: November 3, 2023.

Time: 12:00 p.m. to 1:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review

Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 435-1258, marisa.srivareerat@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Animal Genomics and Functional Validation/Characterization of Genes/Variants in SUD.

Date: November 27, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ipolia R. Ramadan, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827-4471, ramadanir@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: September 20, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-20693 Filed 9-22-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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 Allergy and Infectious Diseases Special Emphasis Panel; Research and Development of Vaccines and Monoclonal Antibodies for

Pandemic Preparedness (ReVAMPP) Centers for Flaviviridae and Togaviridae (U19 Clinical Trial Not Allowed).

Date: October 24-25, 2023.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F30, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F30, Rockville, MD 20852, (240) 669-5931, jakesse@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 20, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023-20695 Filed 9-22-23; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information on the DRAFT Scientific Integrity Policy of the National Institutes of Health

AGENCY: National Institutes of Health, HHS.

ACTION: Request for information.

SUMMARY: The National Institutes of Health (NIH) is soliciting comments and suggestions from the public on the DRAFT “Scientific Integrity Policy of the National Institutes of Health” (DRAFT NIH Scientific Integrity Policy).

The DRAFT NIH Scientific Integrity Policy codifies NIH’s long-standing expectations to preserve scientific integrity throughout all NIH activities, establishes key roles and responsibilities for those who will lead the agency’s scientific integrity program, and, as appropriate, establishes relevant reporting and evaluation mechanisms.

DATES: The DRAFT “Scientific Integrity Policy of the National Institutes of Health” is open for public comment for a period of 45 days. To ensure consideration, comments must be submitted in writing by November 9, 2023.

ADDRESSES: Comments may be submitted electronically at <https://osp.od.nih.gov/comment-form-draft-scientific-integrity-policy-for-the-national-institutes-of-health/>.

Comments are voluntary and may be submitted anonymously. You may also voluntarily include your name and contact information with your response. Other than your name and contact information, please do not include in the response any personally identifiable information or any information that you do not wish to make public. Proprietary, classified, confidential, or sensitive information should not be included in your response. After the Office of Science Policy (OSP) has finished reviewing the responses, the responses may be posted to the OSP website without redaction.

FOR FURTHER INFORMATION CONTACT: Tyrone Spady, Ph.D., Director of the Science Policy Coordination, Collaboration & Reporting Division, Office of Science Policy, at (301) 496-9838 or SciencePolicy@od.nih.gov.

SUPPLEMENTARY INFORMATION:

Background

Scientific integrity aims to make sure that science is conducted, managed, communicated, and used in ways that preserve its accuracy and objectivity and protect it from suppression, manipulation, and inappropriate influence (https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf). In its mission to seek fundamental knowledge about the nature and behavior of living systems and apply that knowledge to enhance health, lengthen life, and reduce illness and disability, NIH has always sought to incorporate robust scientific integrity principles and practices throughout every level of its scientific enterprise. In fostering scientific integrity, NIH aims to ensure that (1) scientific findings are objective, credible, and readily available to the public, and (2) the development and implementation of policies and programs is transparent, accountable, and evidence-based. NIH has numerous policies and procedures to ensure the Nation's investment in biomedical research is scientifically robust and rigorous and that our workforce maintains the highest standards of integrity. In supporting the NIH mission, all NIH researchers and staff are expected to:

- Foster an organizational culture of scientific integrity,
 - Protect the integrity of the research process,
 - Communicate science with integrity, and
 - Safeguard scientific integrity.
- In 2012, NIH summarized the key components of its commitment to

fostering scientific integrity in its NIH Policies and Procedures for Promoting Scientific Integrity Report (www.nih.gov/sites/default/files/about-nih/nih-director/testimonies/nih-policies-procedures-promoting-scientific-integrity-2012.pdf), which outlines NIH's role in fostering scientific integrity as a funder of research, a research institution, and a policy development agency. In 2021, the White House released its Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/). The Memorandum tasks NIH and other agencies to update their scientific integrity policies as appropriate to ensure agency alignment with the principles set forth therein and in Protecting the Integrity of Government Science (www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf), a report of the Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council (NSTC), and A Framework for Federal Scientific Integrity Policy and Practice (<https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>), a guidance document released by the Scientific Integrity Framework Interagency Working Group of the NSTC. In response to the Memorandum, and in accordance with its continued commitment to promoting scientific integrity, NIH has developed the DRAFT Scientific Integrity Policy, which is in alignment with the guidance set forth in the Presidential Memorandum and the draft Scientific Integrity Policy of the U.S. Department of Health and Human Services (www.hhs.gov/sites/default/files/draft-hhs-scientific-integrity-policy.pdf). The DRAFT NIH Scientific Integrity Policy articulates the procedures and processes in place at NIH that help maintain rigorous scientific integrity practices and proposes several new functions to further enhance scientific integrity at NIH and throughout the NIH biomedical research enterprise.

NIH accomplishes its mission by funding extramural researchers throughout the country, conducting research within its intramural research program, and developing policies and programs to responsibly advance

biomedical research. In 2022, NIH updated its NIH Policies and Procedures for Promoting Scientific Integrity (2022) report at <https://osp.od.nih.gov/wp-content/uploads/2023/09/SI-Compendium-2022Update.pdf>, which describes the robust processes in place to support scientific integrity for NIH-supported extramural research, intramural research, and policies and programs. Building upon this existing infrastructure for scientific integrity, the DRAFT NIH Scientific Integrity Policy proposes several new functions to further enhance existing practices and processes. For example, the DRAFT NIH Scientific Integrity Policy includes a Federal definition of scientific integrity that is shared across the U.S. Government. This alignment across the U.S. Government will ensure consistency in guidance and language, lending clarity and uniformity to interagency efforts concerning scientific integrity. The DRAFT NIH Scientific Integrity Policy also establishes the appointments of, and roles and responsibilities for, the positions of NIH Chief Scientist (CS) and Scientific Integrity Official (SIO). The CS and SIO will have prominent and critical responsibilities in steering NIH's scientific integrity efforts, advising NIH leadership on scientific issues, and playing key roles in NIH's adjudication efforts related to scientific integrity. The DRAFT NIH Scientific Integrity policy also includes NIH practices that will address important emerging topics in biomedical research, such as protecting against political interference.

NIH looks forward to working across the U.S. Government to support our shared commitment to responsible stewardship of the Nation's investment in biomedical research by maintaining and bolstering rigorous scientific integrity practices in taxpayer-funded biomedical research.

Request for Information

NIH seeks information regarding the DRAFT NIH Scientific Integrity Policy from all interested individuals and communities, including, but not limited to, investigators, research institutions, libraries, scientific societies, healthcare providers, patients, students, educators, research participants, and other members of the public. While comments are welcome on all elements of the DRAFT NIH Scientific Integrity Policy, input would be most welcome on the specific items identified below, as they represent additions to existing NIH scientific integrity practices:

1. Role and Responsibilities of the NIH SIO

2. Role and Responsibilities of the NIH CS
3. Responsibilities of the NIH Scientific Integrity Council
4. Prohibitions against Political Interference

Draft Scientific Integrity Policy of the National Institutes of Health

Purpose

The purpose of this policy is to promote a continuing culture of scientific integrity at the National Institutes of Health (NIH). This policy aims to ensure the integrity of all aspects of NIH scientific activities, including proposing, conducting, reviewing, managing, and communicating about science and scientific activities, and using the results of science to inform policy and program decision-making.

Scientific Integrity at NIH

The mission of NIH is to seek fundamental knowledge about the nature and behavior of living systems and apply that knowledge to enhance health, lengthen life, and reduce illness and disability. NIH accomplishes this mission by funding extramural researchers throughout the country, conducting research within its intramural research program, and developing policies and programs to responsibly advance biomedical research. Embedding principles of scientific integrity throughout the NIH enterprise relies on two key elements. The first element is an all-hands-on-deck approach in which scientific rigor and research quality are prioritized. The second element is having inclusive, robust processes that safeguard scientific integrity.

In fostering scientific integrity, NIH aims to ensure that (1) scientific findings are objective, credible, and readily available to the public, and (2) the development and implementation of policies and programs is transparent, accountable, and evidence-based. NIH has numerous policies and procedures to ensure the Nation's investment in biomedical research is scientifically robust and rigorous and that our workforce maintains the highest standards of integrity.

Public input and accountability are woven throughout NIH processes to assure the public of the credibility of our science and our scientific findings. These activities range from presenting potential scientific solicitations at public meetings (e.g., concept clearance) to soliciting community feedback during policymaking activities. In supporting the NIH mission, all NIH researchers and staff are expected to:

- Foster an organizational culture of scientific integrity,
- Protect the integrity of the research process,
- Communicate science with integrity, and
- Safeguard scientific integrity.

NIH's long-standing commitment to fostering scientific integrity was summarized in its 2012 report NIH Policies and Procedures for Promoting Scientific Integrity at <https://www.nih.gov/sites/default/files/about-nih/nih-director/testimonies/nih-policies-procedures-promoting-scientific-integrity-2012.pdf>. This document was updated in 2022 at https://osp.od.nih.gov/wp-content/uploads/2023/09/SI_Compendium-2022Update.pdf, partly in response to the 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/> to reflect more than a decade of updates to agency policies and procedures that support scientific integrity. The NIH Scientific Integrity Policy articulates expectations to preserve scientific integrity throughout all NIH activities, establishes key roles and responsibilities for those who will lead the agency's scientific integrity program, and, as appropriate, establishes relevant reporting and evaluation mechanisms with a goal of ensuring scientific integrity is foundational to all NIH activities. The NIH Scientific Integrity Policy is consistent with the U.S. Department of Health and Human Services (HHS) Scientific Integrity Policy. The majority of procedures regarding scientific integrity described herein are longstanding and foundational to NIH-supported research. This Scientific Integrity Policy integrates existing and new practices under a single harmonized framework.

Effective Date and Policy Amendments

This policy goes into effect 12 months after publication of the final policy in the **Federal Register**. This policy will be evaluated by NIH one year after its effective date and regularly thereafter. Proposals to amend this policy will be overseen by the NIH Scientific Integrity Officer (SIO), in collaboration with the NIH Scientific Integrity Council (Council) described below, and any such amendments will be communicated to HHS and the Director of the White House Office of Science

and Technology Policy (OSTP) no later than 30 days after adoption.

Applicability and Scope

All NIH employees; Public Health Service Commissioned Corps members; political appointees; clinical, research, and postdoctoral fellows; doctoral trainees; interns; and advisory committee members in their capacity as special Government employees, and those managing scientific activities and using scientific information in policymaking, are expected to adhere to NIH's policies when in the course of their official duties they propose, conduct, review, or communicate about science and scientific activities on behalf of NIH. When relevant, NIH has also implemented separate policies for contractors, collaborators, awardees, and volunteers to uphold the principles of scientific integrity established by this policy.

Exceptions

This policy will be implemented consistent with applicable Federal law.

Definitions

Allegation refers to a disclosure of a suspected loss of scientific integrity.

Chief Scientist (CS) provides oversight of all NIH scientific integrity policies and procedures. NIH recognizes organizational culture starts with leadership at the highest levels. It has designated the NIH Principal Deputy Director as the NIH CS.

Corrective scientific action refers to actions taken to restore the accuracy of the scientific record after a loss of scientific integrity has been determined, consistent with this policy, such as correction or retraction of published materials. In addition to scientific actions, administrative actions may also be taken in response to substantiated violations of this policy.

Covered individuals include all NIH employees; Public Health Service Commissioned Corps members; political appointees; clinical, research, and postdoctoral fellows; doctoral trainees; interns; and advisory committee members in their capacity as special Government employees, when in the course of their official duties they propose, conduct, review, or communicate about science and scientific activities; and all levels of employees who manage or supervise scientific activities and use scientific information in policymaking. NIH contractors, partners, permittees, lessees, grantees, and volunteers who engage or assist in NIH scientific activities are not considered covered individuals but are expected to uphold

the principles of scientific integrity described in this policy, as incorporated into the terms of their engagement with NIH.

Ethical behavior refers to activities that reflect norms for conduct that distinguish between acceptable and unacceptable behavior, such as honesty, lawfulness, equity, and professionalism, and to adherence to statutes, regulations, policies, and guidelines governing employee conduct.

Federal agency refers to an Executive department, a U.S. Government corporation, and an independent establishment.

Inclusivity refers to the practice of providing equal access to opportunities for full participation of all people and all groups, including marginalized, underserved, and underrepresented contributors, without bias or prejudice. Full participation is enabled through implementation of strategies that promote equitable access and fair treatment in the organization.

Inappropriate influence refers to the attempt to shape or interfere in scientific activities or the communication about or use of scientific activities, against well-accepted scientific methods and theories and without scientific, legal, programmatic management, or security justification.^{1 2}

Interference refers to inappropriate, scientifically unjustified intervention in the conduct, management, communication, or use of science. It includes censorship, suppression, or distortion of scientific or technological findings, data, information, or conclusions; inhibiting scientific independence during clearance and review; scientifically unjustified intervention in research and data collection; and inappropriate engagement or participation in peer review processes or on Federal advisory committees (FACs).

¹ Examples may include (1) suppressing a decisionmaker's ability to offer the best judgment based on scientific information; (2) suppressing, altering or delaying the release of a scientific product for any reason other than technical merit or providing advance notification; (3) removing or reassigning scientific personnel for any reason other than performance, conduct or budgetary constraints; (4) using scientific products that are not representative of the current state of scientific knowledge and research (for example because of a lack of appropriate peer review, poor methodology, or flawed analyses) to inform decision making and policy formulation; or (5) misrepresenting the underlying assumptions, uncertainties, or probabilities of scientific products. This is not intended to be an exhaustive list.

² Differences of scientific opinion are not necessarily inappropriate influence. Additionally, NIH officials are regularly expected to provide agency perspectives when acting in their official capacity.

Loss of scientific integrity refers to the failure to comply with this Scientific Integrity Policy or to adhere to objectivity, transparency, and ethical behavior when conducting, managing, using the results of, and communicating about science and scientific activities. This loss may include research misconduct or inappropriate influence in the conduct, communication, management, and use of science.³

Policy refers to laws, regulations, procedures, administrative actions, incentives, or voluntary practices of Governments and other institutions.

Policymaking refers to the (1) development of policies or making determinations about policy or management; (2) making determinations about expenditures of Federal agency funds; (3) implementing or managing activities that involve, or rely on, scientific activities.

Political interference is *inappropriately* shaping or interfering in the conduct, management, communication, or use of science for inappropriate partisan advantage or such that it undermines impartiality, nonpartisanship, or professional judgement.

Research integrity refers to the use of honest and verifiable methods in proposing, performing, and evaluating research; reporting research results with particular attention to adherence to rules, regulations, and guidelines; and following commonly accepted professional codes or norms.

Research misconduct refers to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.⁴

Research security refers to safeguarding the research enterprise against the misappropriation of research and development to the detriment of national or economic security, related violations of research integrity, and foreign Government interference.

Science refers to the full spectrum of scientific endeavors, including basic science, applied science, evaluation, engineering, technology, economics, social sciences, and statistics, as well as the scientific and technical information derived from these endeavors.

³ A report by the Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council. "Protecting the Integrity of Government Science." January 11, 2022. Available at: https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf.

⁴ Federal Research Misconduct Policy, 65 FR 76260, 76262 (Dec. 6, 2000) and <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-H/part-93/subpart-A/section-93.103>.

Scientific activities refer to activities that involve the application of well-accepted scientific methods and theories in a systematic manner, and includes, but is not limited to, data collection, inventorying, monitoring, evaluation, statistical analysis, surveying, observations, experimentation, study, research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment, as well as any findings derived from these activities.

Scientific data refers to recorded factual material commonly accepted in the scientific community as of sufficient quality to validate and replicate research findings, regardless of whether the data are used to support scholarly publications. Scientific data does not include laboratory notebooks, preliminary analyses, completed case report forms, drafts of scientific papers, plans for future research, peer reviews, communications with colleagues, or physical objects, such as laboratory specimens.⁵

Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity. (Note: this is the Official Federal Definition of Scientific Integrity, consistent with OSTP and HHS definitions.⁶)

Scientific Integrity Council will assist the NIH SIO in iterative review, policy development, and priority setting to ensure that the existing policies and procedures are responsive to issues that arise in the scientific integrity space.

Scientific Integrity Official (SIO) is the primary official for responsibilities over scientific integrity matters and reports to the NIH CS. This policy empowers the NIH SIO with the independence necessary to gather and protect information to support the review and assessment of scientific integrity concerns. The NIH SIO will also advocate for appropriate engagement of scientific leadership in policymaking. NIH recognizes organizational culture starts with leadership at the highest levels. NIH has designated the Associate

⁵ NIH Data Management and Sharing Policy at: <https://sharing.nih.gov/data-management-and-sharing-policy>.

⁶ A Framework for Federal Scientific Integrity Policy and Practice. Available at: <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

Director of Science Policy as the NIH SIO.

Scientific record refers to published information resulting from scientific activities. NIH is responsible for ensuring the accuracy of elements of the scientific record that are published by NIH.

Scientist refers to an individual whose responsibilities include collection, generation, use, or evaluation of scientific and technical data, analyses, or products. NIH scientists are NIH employees and other covered individuals who conduct these activities. It does not refer to individuals with scientific and technical training whose primary job functions are in non-scientific roles (e.g., policymakers, communicators).

Roles and Responsibilities

Chief Scientist and Scientific Integrity Official

The CS shall:

1. Provide oversight of all NIH scientific integrity policies and procedures, including the periodic updates of those policies and procedures;
2. Engage agency efforts regarding diversity, equity, inclusion, and accessibility;
3. Provide for the resourcing and staffing needs of the NIH scientific integrity program;
4. Promote scientific integrity across the agency; and
5. Serve as an alternate in scientific integrity adjudication processes if the NIH SIO is alleged to have violated NIH or HHS Scientific Integrity Policies.

The SIO shall:

1. Report to the CS on all matters related to scientific integrity;
2. Periodically update the NIH Scientific Integrity Policy;
3. Provide regular reporting on NIH scientific integrity allegations and outcomes to OSTP and the public;
4. Determine the resourcing and staffing needs of the NIH scientific integrity program;
5. Promote scientific integrity across the agency;
6. Lead the NIH Scientific Integrity Council, participate on the HHS Council, and other interagency efforts regarding scientific integrity;
7. Serve as a focal point for the receipt of agency scientific integrity allegations (particularly related to political interference) that fall outside of existing processes managed by the Office of Extramural Research (OER), the Office of Intramural Research (OIR), the Office of Management Analysis (OMA), and the HHS Office of the Inspector General (OIG);

8. Lead the review and adjudication of allegations of loss of NIH scientific integrity (particularly related to political interference) in cases where such allegations fall outside of existing processes managed by OER, OIR, OMA, and OIG; and

9. Promote agency efforts regarding diversity, equity, inclusion, and accessibility.

NIH Scientific Integrity Council

The NIH SIO shall establish an NIH Council comprising career employees from across the NIH and from relevant NIH offices. This committee will assist the SIO in iterative review, policy development, and priority setting to ensure that the existing policies and procedures are responsive to issues that arise in the scientific integrity space.

The primary responsibilities of the Council are to:

1. Ensure that a well-informed and high-level group of experts supports scientific integrity at NIH;
2. Ensure that the NIH Scientific Integrity Policy is implemented consistently across NIH;
3. Review, assess, and revise the NIH Scientific Integrity Policy as needed;
4. Engage NIH leadership in upholding the principles of scientific integrity, and maintaining leadership awareness of scientific integrity issues as necessary and appropriate;
5. As requested, assist the SIO in adjudicating allegations of losses of NIH scientific integrity (particularly related to political interference) in cases where such allegations fall outside of existing processes managed by OER, OIR, OMA, and OIG; and
6. Determine handling of investigation and adjudication proceedings from which the HHS SIO is recused.

Background on NIH Functions

Intramural Research

The Intramural Research Program (IRP) is the internal research program of NIH, known for its synergistic approach to biomedical science. The IRP is the largest biomedical research program on earth, and its unique environment means the IRP can facilitate opportunities to conduct both long-term and high-impact science that would otherwise be difficult to undertake. The NIH IRP conducts research and training within its laboratories and clinics, and when appropriate, collaborates with the private sector to develop technologies of importance to public health. To help ensure the high quality and integrity of its intramural programs, NIH has developed and implemented NIH-wide policies and review standards for

research, training, and technology transfer. The NIH Policy Manual at <https://policymanual.nih.gov/> is an official mechanism of issuing NIH-wide policy and all Manual Chapter issuances. More information about the NIH IRP can be found on the NIH OIR website at <https://oir.nih.gov/>.

Extramural Research

Approximately 80 percent of NIH's investment in biomedical and behavioral research supports extramural researchers at institutions in every state in the country. Given the size and breadth of this investment, NIH has a robust infrastructure to ensure scientific integrity is embedded throughout the extramural research continuum and its workforce. While the covered individuals for this policy consist primarily of NIH employees, the principles of scientific integrity are foundational to NIH's role in funding extramural biomedical research, and the importance of scientific integrity is integrated throughout all NIH does as a funder of biomedical research. As such, existing policies to maintain scientific integrity of extramural research will continue. More information about the NIH extramural research program can be found on the NIH OER website at <https://grants.nih.gov/aboutoer/intro2oer.htm>.

NIH as a Policy Development Agency

NIH promotes progress in the biomedical research enterprise through the development of sound and comprehensive policies. To achieve this, NIH engages partners within and outside of NIH to develop policies on a wide range of issues including biosafety, biosecurity, genetic testing, genomic data sharing, human subjects protections, the organization and management of the NIH, and the outputs and value of NIH-funded research. This is accomplished through a wide range of analyses and reports, commentary on emerging policy proposals, and the development of policy proposals for consideration by NIH, the Federal Government, and the public. More information about NIH policy development can be found on the NIH Office of Science Policy (OSP) website at <https://osp.od.nih.gov/>.

Policy Requirements

Promoting a Culture of Scientific Integrity

NIH leadership at all levels recognizes, supports, and promotes this policy and its underlying principles, and models behavior consistent with a strong culture of scientific integrity.

NIH works to promote a culture of scientific integrity by creating an empowering environment for innovation and protecting scientists and the process of science from inappropriate interference. Scientific findings and products must not be suppressed, delayed, or altered for political purposes and must not be subjected to political interference or inappropriate influence.

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, fair, just, impartial, honest, and inclusive. Diversity, equity, inclusion, and accessibility (DEIA) are integral components of the entire scientific process. Attention to DEIA can improve the success of the scientific workforce, foster innovation in the conduct and use of science, and provide for more equitable participation in science by diverse communities. The responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment, discrimination, and exploitation.

NIH also works to apply scientific integrity practices in ways that are inclusive of non-traditional modes of science, such as citizen science, community-engaged research, participatory science, and crowdsourcing. This may include expanded scientific integrity practices and expectations, such as seeking greater input from communities and participants into the research questions and design, recognition of data and knowledge sovereignty, and inclusion of multiple forms of evidence, such as Indigenous Knowledge.

NIH has posted the NIH Scientific Integrity Policy prominently on its website and ensures education is available for all covered individuals, as well as contractors who perform scientific activities for the agency, on their rights and responsibilities related to scientific integrity. All NIH employees will receive scientific integrity information or training as new employees and NIH, in concert with HHS, will make available training for covered individuals and others, as applicable.

To promote a culture of scientific integrity at NIH, this policy outlines seven specific areas:

- I. Protecting Scientific Processes
- II. Ensuring the Free Flow of Scientific Information
- III. Supporting Policymaking Processes
- IV. Ensuring Accountability
- V. Protecting Scientists
- VI. Professional Development for Government Scientists, and

VII. Federal Advisory Committees

I. Protecting Scientific Processes

NIH has implemented a suite of efforts to protect the integrity of research processes from bias and interference, which is essential to upholding public trust and confidence. These efforts rely on transparent processes, diverse community engagement, management of real or apparent conflicts of interest, and robust and open dialogue. NIH utilizes a variety of mechanisms to achieve these aims, such as holding policy discussions in open settings, soliciting public input on future research directions, and the use of Federal advisory committees (FACs) to advise the agency. In addition, for covered individuals, NIH explicitly prohibits political interference or *inappropriately* shaping or interfering in the conduct, management, communication, or use of science for inappropriate partisan advantage or such that it undermines impartiality, nonpartisanship, or professional judgement. Further processes will be developed and documented to support this policy in an NIH manual chapter.

It is the policy of NIH to:

1. Prohibit political interference or other inappropriate influence in the design, proposal, conduct, management, evaluation, communication of, and use of scientific activities conducted by covered individuals.

2. Prohibit inappropriate restrictions on resources and capacity that limit and reduce the availability of science and scientific products outside of normal budgetary or priority-setting processes or without scientific, legal, or security justification.⁷

3. Require that leadership and management ensure that covered individuals engaged in scientific activities can conduct their work objectively and free from political interference or other inappropriate influence.

4. Require reasonable efforts by covered individuals to ensure the fidelity of the scientific record and to correct identified inaccuracies that pertain to their contribution to any scientific records.

5. Require that covered individuals represent their contributions to scientific work fairly and accurately and neither accept nor assume unauthorized and/or unwarranted credit for another's accomplishments. To be named as an

⁷ This provision is further outlined in the NIH Policy Manual Chapter 3005 on Review and Evaluation of Intramural Programs. Available at: <https://policymanual.nih.gov/3005>.

author, contributors should have made a substantial contribution or provided editorial revisions that include critical intellectual content, approved the final version, and agreed to be accountable for all aspects of the work to which they contributed. Prior consent should be obtained from each author to be represented on a particular work. Obtaining prior consent for acknowledgements is also a good practice.⁸

6. Ensure independent review of scientific activities conducted by covered individuals as appropriate to ensure scientific integrity.⁹

7. Require that covered individuals comply with NIH policies and procedures for planning and conducting scientific activities and show appropriate diligence toward protecting and conserving Federal research resources, such as equipment and other property, and records of data and results that are entrusted to them.

8. Prohibit research misconduct, the deliberate or reckless use of improper or inappropriate research methods or processes, and noncompliance with practices that safeguard the quality of research and other scientific activities or enhance research security for covered individuals.¹⁰

9. Require that covered individuals design, conduct, manage, evaluate, and communicate about scientific research and other scientific activities honestly and thoroughly, and disclose any conflicts of interest to their supervisor or other appropriate NIH official(s) for their determination as to whether a recusal, disclaimer, or other action is appropriate, consistent with NIH ethics policies and procedures.¹¹

10. Require that research conducted by covered individuals involving the participation of human subjects and the use of non-human animals is conducted in accordance with applicable,

⁸ This provision is further outlined in the 2023 8th Edition of Guidelines and Policies for the Conduct of Research in the Intramural Research Program at NIH. Available at: https://oir.nih.gov/system/files/media/file/2023-08/guidelines-conduct_research.pdf.

⁹ This provision is further outlined in the NIH Policy Manual Chapter 3005 on Review and Evaluation of Intramural Programs. Available at: <https://policymanual.nih.gov/3005>.

¹⁰ This provision is further outlined in the NIH Policy Manual Chapter 3006 on NIH Intramural Research Program (IRP) Research Misconduct Proceedings. Available at: <https://policymanual.nih.gov/3006>.

¹¹ This provision is further outlined in the NIH Conflict of Interest and Confidentiality Certification for Individuals Evaluating all NIH Intramural Programs. Available at: https://oir.nih.gov/system/files/media/file/2021-08/conflict_of_interest-isc_reviews.pdf.

established laws, regulations, policies, and ethical considerations.¹²

11. Support and enhance scientific integrity with the understanding that violations of scientific integrity can have a disproportional impact on underrepresented groups or weaken the equitable delivery of Federal Government programs.

12. Consistent with OSTP guidance and relevant HHS and NIH policy, prohibit personnel of NIH engaged in intramural research from participation in foreign talent recruitment programs, unless the participation is in an international conference or other international exchange, partnership, or program for which such participation has been approved by the appropriate authority in NIH.¹³

13. Consistent with OSTP guidance and relevant HHS and NIH policy, require disclosure of participation in foreign talent recruitment programs, including the provision of copies of all grants, contracts, or other agreements related to such programs, and other supporting documentation related to such programs, as a condition of receipt of Federal extramural research funding awarded through NIH.¹⁴

II. Ensuring the Free Flow of Scientific Information

NIH is committed to the broad and equitable dissemination and promotion of rigorous and objective scientific information. The NIH Office of Communications and Public Liaison (OCPL) and communication offices within the NIH Institutes, Centers, and Offices (NIH ICOs) disseminate objective and evidence-based research findings to the public through websites, listservs, brochures, videos, social media, and other modes of communication as appropriate. NIH

OCPL and the ICO communication offices also respond to public inquiries and engage with technical and non-technical audiences through media and online forums to ensure responsible communication regarding the research it funds.

At the foundation of the NIH mission is the generation of reliable, rigorous, research results, and their publication in reputable, peer-reviewed scientific journals. NIH's IRP researchers adhere to a NIH-wide Policy for Manuscript and Abstract Clearance Procedures at <https://oir.nih.gov/sourcebook/submitting-research-publications/publication-abstract-clearance> and follow established guidance to ensure transparency in research findings through Processes for Authorship Dispute Resolution at <https://oir.nih.gov/sourcebook/ethical-conduct/authorship-guidelines-resources/nih-irp-authorship-conflict-resolution-process> if the situation arises.

It is the policy of NIH to:

1. Facilitate the free flow of scientific and technological information, to the extent permissible by Federal laws and regulations. Consistent with open science expectations, NIH shall expand and promote access to scientific and technological information by making it available freely and without embargo to the public in an online digital format.^{15 16 17 18}

2. Ensure that scientific findings and products created by NIH scientists are not unduly suppressed, delayed, or altered for political purposes and are not subjected to inappropriate influence.

3. Encourage, but not require, NIH scientists to participate in their official capacities in communications with the media regarding their scientific activities and areas of expertise, subject

to limitations of Government ethics rules. In communicating with the media, NIH scientists are encouraged to seek advice from career NIH communications experts.

4. Allow, subject to limitations of Government ethics rules, NIH scientists to express their personal views and opinions with appropriate written or oral disclaimers, including on social media.¹⁹ NIH scientists may name NIH as their employer in the context of biographical information but shall refrain from making or publishing statements that could be construed as being judgments of, or recommendations on, NIH or any other Federal Government policy, including the use of NIH or other U.S. Government seals or logos, unless they have secured appropriate prior approval to do so.

5. Ensure that the work and conclusions of NIH scientists and the work and conclusions of scientists funded or supported by the Federal Government are accurately represented in NIH communications. If communication documents significantly rely on a scientist's research, identify them as an author, or represent their scientific opinion, the scientist shall be given the option to review the scientific content of proposed communication documents.

6. Ensure that NIH scientists may communicate their scientific activities objectively without political interference or other inappropriate influence. Scientific products (e.g., manuscripts for scientific journals, presentations for workshops, conferences, and symposia) shall adhere to relevant NIH technical review procedures.

7. Require that NIH officials, including communications officers, shall not alter, nor direct NIH scientists and technology experts to alter, scientific and technological research findings or presentation of research findings in a manner that may compromise the objectivity or accurate representation of those findings.

8. Require that technical review and clearance processes include provisions for timely clearance and expressly forbid censorship, unreasonable delay, and suppression of objective communication of data and results

¹² This provision is further outlined in the NIH Policy Manual Chapter 3014 on NIH Intramural Human Research Protection Program and the NIH Policy Manual Chapter 3040-2 on Animal Care and Use in the Intramural Research Program. Available at: <https://policymanual.nih.gov/3014> and <https://policymanual.nih.gov/3040-2> respectively.

¹³ Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, Public Law 117-328, Division FF, title II, section 2321 (Jan 3, 2023) and Chips and Science Act, Public Law 117-167, title VI, subtitle D, section 10631 (Aug 9, 2022). OSTP guidance and relevant HHS and NIH policies to implement this legislation are forthcoming at the time of publication of this policy.

¹⁴ Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, Public Law 117-328, Division FF, title II, section 2321 (Jan 3, 2023) and Chips and Science Act, Public Law 117-167, title VI, subtitle D, section 10631 (Aug 9, 2022). OSTP guidance and relevant HHS policies to implement this legislation are forthcoming at the time of publication of this policy.

¹⁵ White House Office of Science and Technology Policy Memorandum for the Heads of Executive Departments and Agencies on Increasing Access to the Results of Federally Funded Scientific Research. February 22, 2013. Available at: https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf.

¹⁶ White House Office of Science and Technology Policy Memorandum for the Heads of Executive Departments and Agencies on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. August 25, 2022. Available at: <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>.

¹⁷ This provision is further outlined in the NIH Policy Manual Chapter 1184 on Preparation and Clearance of Scientific, Technical, and Public Information Presented by NIH Employees or Produced for Distribution by NIH. Available at: <https://policymanual.nih.gov/1184>.

¹⁸ This provision is further outlined in the NIH Data Management and Sharing Policy. Available at: <https://sharing.nih.gov/data-management-and-sharing-policy>.

¹⁹ This provision is further outlined in the United States Office of Government Ethics Standards of Conduct and 18 U.S.C. 208 as Applied to Official Social Media Use. Available at: [https://oge.gov/web/oge.nsf/News+Releases/EAE37A7DA3C38BF38525894700775339/\\$FILE/LA-23-03%20The%20Standards%20of%20Conduct%20and%2018%20U.S.C.%20C2%A7%20208%20as%20Applied%20to%20Official%20Social%20Media%20Use.pdf](https://oge.gov/web/oge.nsf/News+Releases/EAE37A7DA3C38BF38525894700775339/$FILE/LA-23-03%20The%20Standards%20of%20Conduct%20and%2018%20U.S.C.%20C2%A7%20208%20as%20Applied%20to%20Official%20Social%20Media%20Use.pdf).

without scientific, legal, or security justification.

9. Ensure that scientific information is accurately represented in responses provided by NIH to Congressional inquiries, testimony, and other requests.

10. Accurately represent the work and conclusions of NIH scientists in NIH social media communications and provide appropriate guidance to NIH scientists on the use of NIH social media.

11. Violations of clearance policies that result in suppression, delay, or alteration of scientific and technological information produced by NIH scientists without scientific, legal, or security justification constitute violations of the NIH Scientific Integrity Policy and may be reported under the procedures for Addressing Scientific Integrity Concerns.

III. Supporting Policymaking Processes

NIH utilizes multiple mechanisms for ensuring transparency and accountability in developing policy. The development of science policy at NIH generally follows procedures set forth under the Administrative Procedure Act (5 U.S.C. Subchapter II) at <https://www.archives.gov/federal-register/laws/administrative-procedure>, where applicable, and draft policy proposals are routinely issued through the NIH Guide and the **Federal Register**, as appropriate, to obtain early feedback into policy proposals. Once a proposal has been issued for public comment, it is often supplemented with informational webinars, interactive discussion sessions, and a robust public engagement plan to promote broad dissemination and engagement in the policymaking process. NIH considers all comments submitted on draft policies and policy proposals to ensure final policy proposals are informed by the community and capable of responding to emerging opportunities and challenges. Final policies are also issued through the NIH Guide and the **Federal Register**, as appropriate, and incorporated into the NIH Grants Policy Statement and NIH Policy Manual, as appropriate. Policies are also posted to NIH websites with additional resources such as Frequently Asked Questions and other supplemental resources as needed.

It is the policy of NIH to:

1. Ensure the quality, accuracy, and transparency of scientific information used to support policy and decision making, including by:

a. Using scientific information that is subject to well-established scientific processes.

b. Ensuring that scientific data and research used to support policy decisions undergo review by qualified experts, where feasible and appropriate, and consistent with law.

c. Adhering to the Office of Management and Budget Final Information Quality Bulletin for Peer Review.²⁰ For example, as described in the Bulletin, when independent peer reviews of scientific information products are conducted by contractors, a conflict-of-interest review shall be conducted.

d. Reflecting scientific information appropriately and accurately and making scientific findings or conclusions considered or relied on in policy decisions publicly available online and in open formats, to the extent practicable.

2. Where legally permissible and appropriate, directly consult with scientists whose work is being used in policy and management decisions to ensure that the science is accurately represented and interpreted.

3. Ensure, to the extent possible, the accuracy of NIH communication of the science upon which a policy decision is based.

4. Ensure that covered individuals are free to express differing scientific opinions free from political interference or inappropriate influence.

IV. Ensuring Accountability

NIH is firmly committed to establishing and formalizing procedures to identify and adjudicate allegations regarding compromised scientific processes or technological information. NIH has established several adjudication processes with distinct offices (*i.e.*, OER, OIR, and OMA), to address different ways in which scientific integrity may be violated. Each office handles allegations pertaining to its respective jurisdiction, but anyone may submit an oral or written allegation via email or hotline. When an allegation or complaint is received, the appropriate office determines if it is specific, credible, and meets the definition of misconduct or an integrity violation. The procedures each office takes for investigating allegations or complaints, adjudication, and appeals are further detailed in the 2022 update to the NIH Policies and Procedures for Promoting Scientific Integrity at https://osp.od.nih.gov/wp-content/uploads/2023/09/SI_

²⁰ Office of Management and Budget. "Final Information Quality Bulletin for Peer Review." **Federal Register**. Doc. 05-769. Available at: <https://www.federalregister.gov/documents/2005/01/14/05-769/final-information-quality-bulletin-for-peer-review>.

Compendium-2022Update.pdf. The designation of an NIH SIO will allow for more centralized interagency communication and coordination concerning allegations to ensure effective oversight and promote scientific integrity within the Federal Government. Additionally, the NIH SIO will provide review and adjudication of allegations (particularly related to political interference) that do not fall under the purview of these existing offices.

It is the policy of NIH to:

1. Ensure correction of the scientific record and implementation of corrective scientific actions when allegations of a loss of scientific integrity are substantiated.

2. Encourage and facilitate early informal or formal consultation between NIH employees and scientific integrity officials to advise on preventing loss of scientific integrity, to determine whether a loss of scientific integrity has potentially occurred, and to ascertain whether an allegation should be referred elsewhere for resolution.

3. Provide clear guidance on how to formally and confidentially report concerns and allegations of loss of scientific integrity. Those who report concerns and allegations need not be directly involved or witness a violation.

4. Ensure that the NIH SIO or other NIH entities draft procedures, as needed, to respond to allegations of loss of scientific integrity in a timely, objective, and thorough manner. These procedures shall include an initial assessment and review, a fact-finding process, an adjudication or determination including description of remedies and preventative measures to safeguard the science, and reporting.

5. These procedures shall document the necessary aspects for each step of the process as well as the roles of NIH SIO and other agency staff in the process.

V. Protections

NIH prioritizes safe and respectful work environments that are free from harassment, including sexual harassment, discrimination, or other forms of inappropriate conduct that can result in a hostile work environment. Additionally, it is unlawful for NIH to take or threaten to take a personnel action against an employee because he or she made a protected disclosure of wrongdoing. A protected disclosure is defined as a disclosure of information that the individual reasonably believes is evidence of a violation of law, rule, or regulation; gross mismanagement; gross waste of funds; and abuse of authority; or a substantial and specific

danger to public health or safety. Personnel actions that are covered by this can include poor performance review, demotion, suspension, termination, or revocation or downgrade of a security clearance. If staff members believe that whistleblower retaliation has occurred, they may get more information from the HHS OIG at <https://oig.hhs.gov/about-oig/>.

It is the policy of NIH to:

1. Select and retain candidates for NIH scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the highest standards of professional and scientific ethics.²¹

2. Promote diversity, equity, inclusion, and accessibility in the scientific workforce and to create and support the creation of safe workspaces that are free from harassment, discrimination, and exploitation.²²

3. Protect from reprisal those individuals who report allegations of loss of scientific integrity in good faith. Efforts will also be made to protect from inappropriate actions those covered individuals alleged to have compromised scientific integrity.

4. Prevent NIH employees from intimidating or coercing NIH scientists to alter scientific data, findings, or professional opinions or from inappropriately influencing scientific advisory boards.

5. Comply with whistleblower protections, specifically:

a. The requirements of the Whistleblower Protection Act of 1989, and its expanded protections enacted by Public Law 103-424 and the Whistleblower Protection Enhancement Act of 2012, 5 U.S.C. part 2302(b)(8)-(9).

b. The National Defense Authorization Act's expansion of certain whistleblower protections to employees of Federal Government contractors, subcontractors, and grant recipients in 41 U.S.C. 4712.

c. Presidential Policy Directive 19, which prohibits supervisors from taking, failing to take, or threatening to take or fail to take any action affecting an employee's eligibility for access to classified information in reprisal for making a protected disclosure.

d. The Military Whistleblower Protection Act (codified at 10 U.S.C.

1034), which is made applicable to the Public Health Service Commissioned Corps officers through section 1129 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144), and implemented by Commissioned Corps Directive 121.06.

6. Scientific integrity staff at NIH are protected by all applicable employee rights as required by law. Consistent with applicable law, an SIO or other scientific integrity staff may not be terminated or reassigned without good cause or legitimate organizational reason. Possible good cause reasons include, but are not limited to, consistent poor performance, inefficiency, neglect of duty, malfeasance, conviction of a felony, conduct involving moral turpitude, knowing violation of a law, rule, or regulation, gross mismanagement, gross waste of funds, and abuse of authority.

VI. Professional Development for Government Scientists

A key aspect of the NIH effort to advance scientific integrity is encouraging NIH IRP researchers to engage with the broader research community in maintaining the highest ethical standards and scientific norms. Creating an inclusive environment for scientists from all backgrounds, including those from traditionally underrepresented groups, is essential to supporting scientific integrity. The IRP promotes professional development of all researchers from trainees at every level, to tenure-track and tenured investigators, and all other research staff. Scholarly writing, lecturing, editing, and publishing are essential parts of research and professional development. These activities are in the public interest and bring credit and distinction to both NIH and its employees. In encouraging researchers to share information about their official and professional activities, NIH seeks to advance scientific knowledge and contribute to its employees' professional education.

It is the policy of NIH to:

1. Encourage timely publication of research conducted by covered individuals such as in peer-reviewed, professional, scholarly journals, NIH technical reports and publications, or other appropriate outlets.²³

2. Encourage the sharing of scientific activities, findings, and materials developed by covered individuals

through appropriate avenues including digital repositories.²⁴

3. Encourage covered individuals to participate in and present research at professional meetings including workshops, conferences, and symposia.²⁵

4. When appropriate, permit covered individuals to serve on editorial boards, as peer reviewers, or as editors of professional or scholarly journals.

5. When appropriate, permit covered individuals to participate in professional societies, committees, task forces, and other specialized bodies of professional societies, including removing barriers to serving as officers or on governing boards of such societies, to the extent allowed by law.²⁶

6. Permit NIH scientists to receive honors and awards for contributions to scientific activities and discoveries to the extent allowed by law, and to accrue the professional recognition of such honors or awards.

7. Permit NIH scientists to perform outreach and engagement activities, such as speaking to community and student groups, as part of their official duties as appropriate.

VII. Federal Advisory Committees

FACs, as defined by the Federal Advisory Committee Act (FACA) at <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/legislation-and-regulations/the-federal-advisory-committee-act>, are an important tool within NIH for ensuring the credibility, quality, and transparency of NIH science. NIH shall adhere to FACA and develop policies in coordination with the General Services Administration and consistent with the guidance on lobbyists serving on FACs when convening FACs tasked with giving scientific advice.

Consistent with all applicable laws and guidance regarding FACs, it is the policy of NIH to:

1. Promote transparency in the recruitment of new FAC members,

²⁴ This provision is further outlined in the NIH Data Management and Sharing Policy. Available at: <https://sharing.nih.gov/data-management-and-sharing-policy>.

²⁵ This provision is further outlined in the NIH Sourcebook on Tenure in the NIH Intramural Research Program. Available at: <https://oir.nih.gov/sourcebook/tenure-nih-intramural-research-program>.

²⁶ This provision is further outlined in the NIH Sourcebook on Activities with Outside Organizations and the NIH Official Duty Activities Chart. Available at: <https://oir.nih.gov/sourcebook/ethical-conduct/research-ethics/nih-policies/intramural-extramural-collaborations/activities-outside-organizations> and <https://ethics.od.nih.gov/sites/default/files/topics/ODA/2-ODA-Chart.pdf>, respectively.

²¹ This provision is further outlined in the NIH Sourcebook on Personnel. Available at: <https://oir.nih.gov/sourcebook/personnel>.

²² This provision is further outlined in the NIH Sourcebook Addendum to BSC Policies and Procedures. Available at: <https://oir.nih.gov/sourcebook/processes-reviewing-nih-intramural-science/boards-scientific-counselors/addendum-policies-procedures>.

²³ This provision is further outlined in the NIH Data Management and Sharing Policy. Available at: <https://sharing.nih.gov/data-management-and-sharing-policy>.

including, when practical and appropriate, announcing vacancies with a notification in the **Federal Register**.

2. Select members to serve on a scientific or technical FACs based on expertise, knowledge, and contribution to the relevant subject area.^{27 28} Additional factors that may be considered are availability of the member to serve, alignment with the relevant Federal Advisory Committee Membership Balance Plan, and the ability to work effectively on advisory committees.²⁹ Ensure committee membership is fairly balanced in terms of points of view represented with respect to the functions to be performed by the FAC.^{30 31}

3. Comply with current standards governing conflict of interest as defined in statutes and implementing regulations.^{32 33}

4. Except when prohibited by law and to the extent practical, agencies should appoint members of scientific and technical FACs as Special Government Employees.

5. Treat all reports, recommendations, and products produced by FACs solely as the reports, recommendations, and products of such committees rather than of the U.S. Government, and thus not subject to intra- or inter-agency revision. The role of the FACs is to provide

advice or recommendations to the agency. The agency may then craft policy based on the FACs' advice or recommendations if it chooses to adopt those recommendations.

Addressing Scientific Integrity Concerns

The NIH SIO has primary responsibility for assessing scientific integrity concerns and will develop procedures for addressing allegations of loss of scientific integrity and concerns that span or fall outside existing NIH adjudication mechanisms under the purview of OER, OIR, OMA, or OIG.³⁴ In particular, the NIH SIO will manage scientific integrity concerns related to political interference, if they do not fall within existing processes. Procedures for handling scientific integrity concerns will be made available on the NIH website. For information about rights and remedies against retaliation, employees may contact the HHS OIG Whistleblower Protection Coordinator.³⁵ As noted above, existing procedures under the purview of OER, OIR, OMA, and OIG should continue to be followed. When those existing mechanisms do not cover a scientific integrity concern:

1. Concerns about a potential loss of scientific integrity at NIH may be reported to the NIH SIO by any individual who has knowledge of the situation.

2. NIH employees are encouraged to seek an informal consultation with the NIH SIO or other relevant agency integrity officials to discuss whether a concern constitutes a potential loss of scientific integrity before submitting a

formal complaint. Employees ultimately have the discretion to submit a formal complaint as they see fit.

3. The SIO will oversee an initial assessment of each reported concern and determine whether to request additional information from the complainant or others and to determine whether a formal investigation is warranted. Additionally, if any reported concern falls within the purview of existing OER, OIR, OMA, or OIG processes, those mechanisms will instead be utilized.

4. Should an investigation be opened, an investigation committee consisting of the NIH SIO and other agency integrity officials from the NIH Scientific Integrity Council will be convened to develop a factual record by exploring the allegation(s) in detail and consulting with subject matter experts, interviewing witnesses, and reviewing documentation as needed.

5. Once the investigation is complete, the NIH SIO will determine whether scientific integrity was lost and report findings to the appropriate management entity.

6. The complainant and respondent will be given the opportunity to appeal a finding or any corrective scientific actions taken.

Handling Differing Scientific Opinions

Science and decisions based on science are strengthened by vigorous discussion and debate and by considering all available evidence. The process of challenging and improving ideas helps to guard against inadequate science and flawed analysis. NIH encourages its scientists to respectfully express and engage with differing views as an integral part of the scientific process.³⁶ In some cases, such as when a scientific dispute has a significant impact on public health or policy, a formal scientific dispute resolution process may be necessary. The goal of scientific dispute resolution should be to ensure that all perspectives are heard and documented in an unbiased way. A satisfactory resolution may involve adopting one opinion over another, deciding to conduct additional studies, formulating an alternate theory reconciling the differing opinions, or documenting the disagreement for the benefit of policymakers and fellow scientists. These steps may be completed in any order and are not necessarily an exhaustive list of dispute

²⁷ This provision is further outlined in How Scientists Are Selected to Be Members of a Chartered Review Group. Available at: <https://public.csr.nih.gov/ForReviewers/BecomeAReviewer/CharteredReviewers>.

²⁸ This provision refers to not only FACA Councils that have SGE members but also peer review FACA committees that have NIH peer review consultants as members.

²⁹ This provision is further outlined in the NIH Selection Criteria for NIH Advisory Committees. Available at: <https://ofacp.nih.gov/sites/default/files/SelectionCriteria.pdf>.

³⁰ 2010 Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity. Available at: <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>.

³¹ General Services Administration 41 CFR parts 101-6 and 02-3 Federal Advisory Committee Management; Final Rule. Available at: https://www.gsa.gov/system/files/FACAFinalRule_R2E-cNZ_0Z5RDZ-i34K-pR.pdf.

³² This provision is further outlined in the NIH Policy Manual Chapter 1810 on Procedures for Avoiding Conflict of Interest for Special and other Federal Employees Serving as Advisory Committee Members. Available at: <https://policymanual.nih.gov/1810-1>.

³³ The NIH Office of Federal Advisory Committee Policy maintains the Special Government Employee (SGE) Portal for those interested in serving on an NIH Federal advisory committee as an SGE. The Portal contains all the requirements expected of advisory committee members who serve on advisory committees as SGEs, including ethics training, Foreign Activities and Lobbyist Certification, and the Confidential Financial Disclosure Report (OGE 450) at: <https://seportal.od.nih.gov/Pages/default.aspx>.

³⁴ OER reviews and refers allegations of research misconduct involving extramural researchers and peer review of grant applications to the HHS Office of Research Integrity (ORI) and may take corrective action against a grantee or peer reviewer based on the conduct identified in ORI findings. OIR reviews allegations related to research integrity involving NIH IRP researchers. The NIH Division of Program Integrity within OMA manages the review of allegations involving misuse of NIH grant or contractor funds, grantee or contractor conflicts of interest, and other misconduct or misuses of NIH resources by NIH employees or others doing business with NIH. The HHS OIG investigates allegations of criminal fraud, waste, and abuse. Further information about these processes and offices will be provided in a manual chapter.

³⁵ As appropriate, employees can also contact the NIH Office of Equity, Diversity, and Inclusion for information regarding retaliation based on protected equal employment opportunity, or the Office of Special Counsel for information regarding retaliation based on whistleblowing. Further information can be found at: <https://www.edi.nih.gov/resolutions/resources/faqs> and <https://oig.hhs.gov/fraud/whistleblower/>. Additionally, although encouraged to use the process detailed herein, employees may also disclose wrongdoing to their supervisor or another individual higher up in management, the HHS OIG, the Office of Special Counsel, or to Congress.

³⁶ Further information on the NIH IRP Authorship Conflict Resolution Process can be found in the NIH Sourcebook. Available at: <https://oir.nih.gov/sourcebook/ethical-conduct/authorship-guidelines-resources/nih-irp-authorship-conflict-resolution-process>.

resolution measures among NIH scientists. In general:

- A team member or group of team members with a differing opinion may engage with their colleagues to resolve the issue as soon as the difference of opinion is known. NIH recommends this type of internal discussion as a first step in most dispute resolution proceedings.

- A team may choose to consult a manager. First-level managers may defer to an appropriate higher-level manager if the first-level manager has a conflict of interest or cannot offer an impartial opinion for any reason.

- If the matter cannot be satisfactorily resolved by other means, a team may request assistance from OIR. The NIH SIO may be consulted if their assistance is requested or if there is a conflict of interest or perceived conflict of interest with relevant OIR staff.

Monitoring, Evaluating, and Reporting Scientific Integrity Activities and Outcomes

NIH, working through HHS, will develop and implement an evaluation plan to regularly measure, monitor, and evaluate ongoing scientific integrity activities and outcomes. The plan will include a roadmap of activities, evaluation metrics, and methods of measurement for the purpose of ongoing improvement of scientific integrity processes, procedures, and policies. As part of the monitoring and evaluation plan, an annual report on the number and outcomes of investigations involving allegations of loss of scientific integrity will be published. To the extent possible, all descriptions of investigations will be anonymized.

Related Policies and Statutes

Violations of related and supporting policies may result in a loss of scientific integrity and it is appropriate for the SIO to coordinate across the agency in these matters. The following policies and programs intersect with the development of the culture of scientific integrity within the agency.

Research Misconduct

- Federal Research Misconduct Policy: <https://www.federalregister.gov/documents/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research>
- Public Health Service Policies on Research Misconduct: <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-H/part-93>
- NIH Policy Manual Chapter 3006—NIH Intramural Research Program (IRP) Research Misconduct

Proceedings: <https://policymanual.nih.gov/3006>

- NIH IRP Policies and Procedures for Research Misconduct Proceedings: https://oir.nih.gov/system/files/media/file/2021-08/policy-nih_irp_research_misconduct_proceedings.pdf

Diversity, Equity, Inclusion, and Accessibility in Addressing and Strengthening Scientific Integrity and the Disproportional Impact of Scientific Integrity Policy Violations on Underrepresented Groups

- HHS Equal Employment Opportunity and Anti-Harassment Policy: <https://www.hhs.gov/about/agencies/asa/eeo/policy/index.html>
- Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce: <https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf>
- HHS Diversity, Equity, Inclusion, and Accessibility Strategic Plan 2022: <https://www.hhs.gov/sites/default/files/2022-hhs-deia-strategic-plan.pdf>
- NIH-Wide Strategic Plan for Diversity, Equity, Inclusion, and Accessibility Fiscal Years 2023–2027: <https://www.nih.gov/sites/default/files/about-nih/nih-wide-strategic-plan-deia-fy23-27.pdf>

Public Access

- NIH Public Access Policy: <https://publicaccess.nih.gov/policy.htm>
- OSTP Memorandum on Increasing Access to the Results of Federally Funded Research (2013): https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf
- OSTP Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research (2022): <https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf>
- 5 U.S.C. 552—Freedom of Information Act: <https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-5>

Human and Animal Subject Protections

- Federal Policy for Protection of Human Research Subjects (the Common Rule): <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/common-rule/index.html>
- Animal Welfare Act and Regulations: https://www.aphis.usda.gov/animal_welfare/downloads/AC_BlueBook_AWA_508_comp_version.pdf
- Public Health Service Policy on Humane Care and Use of Laboratory

Animals: <https://olaw.nih.gov/policies-laws/phs-policy.htm>

- Guide for the Care and Use of Laboratory Animals: <https://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>
- U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training: <https://olaw.nih.gov/policies-laws/gov-principles.htm>
- NIH Policy Manual Chapter 3014—NIH Intramural Human Research Protection Program: <https://policymanual.nih.gov/3014>
- NIH Policy Manual Chapter 3040–2—Animal Care and Use in the Intramural Research Program: <https://policymanual.nih.gov/3040-2>

Research Security

- National Security Presidential Memorandum 33 (NSPM 33): <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/>
- Guidance for Implementing NSPM 33: <https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf>

Whistleblower Protections

- 5 U.S.C. 2302—Prohibited personnel practices: <https://uscode.house.gov/view.xhtml?req=29&f=treesort&num=125>
- Public Law 101–12—Whistleblower Protection Act of 1989: <https://www.govinfo.gov/content/pkg/STATUTE-103/pdf/STATUTE-103-Pg16.pdf>
- Public Law 103–424—Expansion of Whistleblower Protection Act of 1989: <https://www.govinfo.gov/content/pkg/STATUTE-108/pdf/STATUTE-108-Pg4361.pdf#page=3>
- Public Law 112–199—Whistleblower Protection Enhancement Act of 2012: <https://www.congress.gov/112/statute/STATUTE-126/STATUTE-126-Pg1465.pdf>
- 41 U.S.C. 4712—Enhancement of contractor protection from reprisal for disclosure of certain information: [https://uscode.house.gov/view.xhtml?req=\(title:41%20section:4712%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:41%20section:4712%20edition:prelim))
- Presidential Policy Directive 19—Protecting Whistleblowers with Access to Classified Information: <https://www.usda.gov/sites/default/files/documents/ppd.pdf>
- U.S. Office of Special Counsel: <https://osc.gov/>

- 10 U.S.C. 1034, made applicable to the Public Health Service Commissioned Corps through section 1129 of the Food and Drug Administration Safety and Innovation Act, Public Law 112–144, and implemented by Commissioned Corps Directive (CCD) 121.06: https://dcp.psc.gov/ccmis/ccis/documents/CCD121_06.pdf

Other Related Policies

- NIH Data Management and Sharing Policy: <https://sharing.nih.gov/data-management-and-sharing-policy>
- Public Law 115–435—Foundations for Evidence-Based Policymaking Act (“Evidence Act”): <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>
- Public Law 107–174—Notification and Federal Employee Antidiscrimination and Retaliation Act (“No FEAR Act”): <https://uscode.house.gov/statutes/pl/107/174.pdf>
- U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern: <https://www.phe.gov/s3/dualuse/documents/durc-policy.pdf>
- U.S. Government Policy for Oversight of Life Sciences Dual Use Research of Concern: <https://www.phe.gov/s3/dualuse/Documents/us-policy-durc-032812.pdf>
- Public Law 92–463—The Federal Advisory Committee Act: <https://uscode.house.gov/statutes/pl/92/463.pdf>
- Public Law 104–13—Paperwork Reduction Act: <https://www.congress.gov/104/plaws/publ13/PLAW-104publ13.pdf>

Authorities

Pursuant to the 2021 Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>, and consistent with the 2009 Presidential Memorandum on Scientific Integrity at <https://obamawhitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09> and the 2010 Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity at <https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>, all Federal agencies must establish a

scientific integrity policy. The requirements of this policy are derived from the 2022 National Science and Technology Council (NSTC) Report of the Scientific Integrity Fast Track Action Committee, Protecting the Integrity of Government Science at https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf, and align with the principles set forth in the NSTC guidance document A Framework for Federal Scientific Integrity Policy and Practice at <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

This policy is established in accordance with:

1. Public Law 111–358—The America COMPETES Reauthorization Act of 2010, section 103, as amended
2. Public Law 115–435—The Foundations for Evidence-based Policymaking Act of 2018
3. Public Law 106–554—The Information Quality Act of 2000
4. 67 FR 8451—OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
5. 70 FR 2664—OMB Final Information Quality Bulletin for Peer Review
6. 65 FR 76260–76264—Federal Policy on Research Misconduct
7. Public Law 101–12—The Whistleblower Protection Act (WPA) of 1989, as amended
8. 41 U.S.C. 4712—The National Defense Authorization Act, Enhancement of contractor protection from reprisal for disclosure of certain information
9. 5 U.S.C. 13103 *et seq.*—The Ethics in Government Act of 1978, as amended, and 5 CFR parts 2634 and 2635, Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture and Standards of Ethical Conduct for Employees of the Executive Branch.
10. 18 U.S.C. 201–209—Statutes regarding Bribery, Graft and Conflicts of Interest
11. 5 CFR parts 5501 and 5502—Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services
12. 5 U.S.C. Ch. 10—The Federal Advisory Committee Act of 1972
13. 45 CFR part 73, Standards of Conduct
14. 5 CFR part 735, Employee Responsibilities and Conduct

15. HHS Protection of Human Subjects Regulation (45 CFR part 46).
16. PPD 19—Protecting Whistleblowers with Access to Classified Information, 2012
17. M–20–12—OMB Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices
18. 42 CFR part 93—Public Health Service Policies on Research Misconduct
19. 10 U.S.C. 1034, made applicable to the Public Health Service Commissioned Corps through section 1129 of the Food and Drug Administration Safety and Innovation Act, Public Law 112–144, and implemented by Commissioned Corps Directive (CCD) 121.06
20. Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022, Public Law 117–328, Division FF, title II, section 2321 (Jan 3, 2023)
21. Chips and Science Act, Public Law 117–167, title VI, subtitle D, section 10631 (Aug 9, 2022)

Dated: September 19, 2023.

Tara A. Schwetz,

Acting Principal Deputy Director, National Institutes of Health.

[FR Doc. 2023–20733 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious 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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases

Research Study Section Microbiology and Infectious Diseases Research Study Section.

Date: October 24–25, 2023.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, Ventana Room, San Diego, CA 92109.

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institute of Health, 5601 Fishers Lane, RM 3G62, Bethesda, MD 20892, (240) 669–5081, ecohen@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 19, 2023.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–20655 Filed 9–22–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP (Guayanilla, PR) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP (Guayanilla, PR), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP (Guayanilla, PR) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of November 16, 2020.

DATES: Saybolt LP (Guayanilla, PR) was approved and accredited as a commercial gauger and laboratory as of November 16, 2020. The next inspection date will be scheduled for November 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood

South Parkway, Houston, TX 77032, tel. 281–560–2937.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt LP, Road 127, Km 11.7, Guayanilla, PR 00656, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of November 16, 2020.¹

Saybolt LP (Guayanilla, PR) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Saybolt LP (Guayanilla, PR) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D1298	Standard Test Method for Density, Relative Density, or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
N/A	D1657	Standard Test Method for Density or Relative Density of Light Hydrocarbons by Pressure Hydrometer.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed

to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023–20688 Filed 9–22–23; 8:45 am]

BILLING CODE 9111–14–P

¹ As a result of the SARS–CoV–2 (COVID–19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID–19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC (Houston, TX) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC (Houston, TX) as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC (Houston, TX) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs

purposes for the next four years as of October 13, 2021.

DATES: AmSpec Services, LLC (Houston, TX) was approved and accredited as a commercial gauger and laboratory as of October 13, 2021. The next inspection date will be scheduled for October 2025.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1501–A North, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 16025–A Jacintoport Blvd., Houston, TX 77015, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the

provisions of 19 CFR 151.12 and 19 CFR 151.13 as of October 13, 2021.¹

AmSpec Services, LLC (Houston, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC (Houston, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27–48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<https://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,
Laboratory Director, Houston, Laboratories and Scientific Services Directorate.

[FR Doc. 2023–20704 Filed 9–22–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec, LLC (Everett, MA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec, LLC (Everett, MA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec, LLC (Everett, MA) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of March 3, 2020.

¹ As a result of the SARS–CoV–2 (COVID–19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID–19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

DATES: AmSpec, LLC (Everett, MA) was approved and accredited as a commercial gauger and laboratory as of March 3, 2020. The next inspection date will be scheduled for March 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-3974.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec, LLC, 30 Commercial St., Everett, MA 02149,

has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of March 3, 2020.¹

AmSpec, LLC (Everett, MA) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.

API chapters	Title
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

AmSpec, LLC (Everett, MA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27-21	D4177	Standard Practice for the Automatic Sampling of Petroleum and Petroleum Products.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	D3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.
N/A	D5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
N/A	D5769	Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,
Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20692 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC (Penuelas, PR) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC (Penuelas, PR) as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC (Penuelas, PR)

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of September 13, 2021.

DATES: AmSpec Services, LLC (Penuelas, PR) was approved and accredited as a commercial gauger and laboratory as of September 13, 2021. The next inspection date will be scheduled for September 2025.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1501N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, Rd 127, Km 15.6, Penuelas, PR 00624, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of September 13, 2021.¹

AmSpec Services, LLC (Penuelas, PR) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC (Penuelas, PR) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<https://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,
Laboratory Director, Houston, Laboratories and Scientific Services Directorate.

[FR Doc. 2023-20700 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC (East Providence, RI) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC (East Providence, RI) as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC (East Providence, RI) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum products for customs purposes for the next four years as of September 17, 2021.

DATES: AmSpec Services, LLC (East Providence, RI) was approved and accredited as a commercial gauger and laboratory as of September 17, 2021. The next inspection date will be scheduled for September 2025.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1501N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

and 19 CFR 151.13, that AmSpec Services, LLC, 66 Valley St., East Providence, RI 02914, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of September 17, 2021.¹ AmSpec Services, LLC (East Providence, RI) is approved for the following gauging procedures for

petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC (East Providence, RI) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-08	D86	Standard Test Method for Distillation of Petroleum Products.
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27-20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston Laboratories and Scientific Services Directorate.

[FR Doc. 2023-20699 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP. (St. Rose, Louisiana) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP. as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP. (St. Rose, Louisiana) has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of July 15, 2021.

DATES: Saybolt LP. (St. Rose, Louisiana), was accredited and approved as a commercial gauger and laboratory as of July 15, 2021. The next inspection date will be scheduled for July 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2937.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt LP., 190 James Drive East, Suite 110, St. Rose, Louisiana 70087, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of July 15, 2021.¹

Saybolt LP., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Saybolt LP. (St. Rose, Louisiana), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924, 85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM method	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-54	D1796	Standard Test Method for Water and Sediment in Crude Oil by Centrifuge Method (Laboratory Procedure).
N/A	D1160	Standard Test Method for Distillation of Petroleum Products at Reduced Pressure.
N/A	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for the current CBP Approved Gaugers and Accredited Laboratories List.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20702 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Marion, AR) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Marion, AR), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Marion, AR) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of June 15, 2020.

DATES: Intertek USA, Inc. (Marion, AR) was approved and accredited as a commercial gauger and laboratory as of June 15, 2020. The next inspection date will be scheduled for June 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-3974.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 4398 Highway 77N, Marion, AR 72364, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of June 15, 2020.¹

Intertek USA, Inc. (Marion, AR) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Marion, AR) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectroscopy.

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM	Title
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20686 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc. (New Haven, CT) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc. (New Haven, CT), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (New Haven, CT) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of November 6, 2019.

DATES: Camin Cargo Control, Inc. (New Haven, CT) was approved and accredited as a commercial gauger and laboratory as of November 6, 2019. The next inspection date will be scheduled for November 2023.

FOR FURTHER INFORMATION CONTACT: Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2900.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 31 Fulton Street, Unit A, New Haven, CT 06513, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of November 6, 2019.¹

Camin Cargo Control, Inc. (New Haven, CT) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Camin Cargo Control, Inc. (New Haven, CT), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-20	D4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	D97	Standard Test Method for Pour Point of Petroleum Products.

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM	Title
N/A	D130	Standard Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test.
N/A	D482	Standard Test Method for Ash from Petroleum Products.
N/A	D524	Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products.
N/A	D1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.
N/A	D2500	Standard Test Method for Cloud Point of Petroleum Products and Liquid Fuels.
N/A	D2624	Standard Test Methods for Electrical Conductivity of Aviation and Distillate Fuels.
N/A	D3606	Standard Test Method for Determination of Benzene and Toluene in Spark Ignition Fuels by Gas Chromatography.
N/A	D4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	D5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
N/A	D5769	Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific tests or gauger services this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (281) 560–2900. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023–20684 Filed 9–22–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Signal Hill, CA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Signal Hill, CA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek, USA Inc. (Signal Hill, CA) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of November 18, 2019.

DATES: Intertek USA, Inc. (Signal Hill, CA) was approved and accredited as a commercial gauger and laboratory as of November 18, 2019. The next inspection date will be scheduled for November 2023.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–3974.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 1941 Freeman Ave., Suite A, Signal Hill, CA 90755, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of November 18, 2019.¹

Intertek USA, Inc. (Signal Hill, CA) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Signal Hill, CA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–07	D4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.

¹ As a result of the SARS–CoV–2 (COVID–19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID–19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM	Title
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
N/A	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20685 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC (Destrehan, LA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC (Destrehan, LA) as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC (Destrehan, LA) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of July 16, 2021.

DATES: AmSpec Services, LLC (Destrehan, LA) was approved and accredited as a commercial gauger and laboratory as of July 16, 2021. The next inspection date will be scheduled for July 2025.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1501N,

Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 14682 Airline Hwy., Destrehan, LA 70047, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of July 16, 2021.¹

AmSpec Services, LLC (Destrehan, LA) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC (Destrehan, LA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-07	D4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27-08	D86	Standard Test Method for Distillation of Petroleum Products.

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM	Title
27-09	D4953	Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method).
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products (X-Ray Spectrographic Methods).
27-33	D5	Standard Test Method for Penetration of Bituminous Materials.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20703 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Bayamon, PR) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Bayamon, PR), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Bayamon, PR) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of March 4, 2020.

DATES: Intertek USA, Inc. (Bayamon, PR) was approved and accredited as a commercial gauger and laboratory as of March 4, 2020. The next inspection date will be scheduled for March 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., Carr. 28, Km 2.0, Ind Park Luchetti, Bayamon, PR 00960, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of March 4, 2020.¹

Intertek USA, Inc. (Bayamon, PR) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Bayamon, PR) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

CBPL No.	ASTM	Title
N/A	D2163	Standard Test Method for Determination of Hydrocarbons in Liquefied Petroleum (LP) Gases and Propane/Propene Mixtures by Gas Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<https://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services Directorate.

[FR Doc. 2023-20689 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Savannah, GA) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Savannah, GA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Savannah, GA) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of February 27, 2020.

DATES: Intertek USA, Inc. (Savannah, GA) was approved and accredited as a commercial gauger and laboratory as of February 27, 2020. The next inspection date will be scheduled for February 2024.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-3974.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 202 W Chatham Blvd., Suite 3, Savannah, GA 31408, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of February 27, 2020.¹

Intertek USA, Inc. (Savannah, GA) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Savannah, GA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectroscopy.
27-48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27-57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and

receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border

Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20687 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec Services, LLC (Corpus Christi, TX) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC (Corpus Christi, TX) as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC (Corpus Christi, TX) has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of September 1, 2021.

DATES: AmSpec Services, LLC (Corpus Christi, TX) was approved and accredited as a commercial gauger and laboratory as of September 1, 2021. The next inspection date will be scheduled for September 2025.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1501N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 301 North Omaha Dr., Corpus Christi, TX 78408, has been

approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of September 1, 2021.¹

AmSpec Services, LLC (Corpus Christi, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC (Corpus Christi, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or

gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023-20698 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc. (Channelview, TX), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc. (Channelview, TX) has been approved to gauge and accredited to test petroleum and certain petroleum products for customs

purposes for the next four years as of June 15, 2021.

DATES: Camin Cargo Control, Inc., was accredited and approved as a commercial gauger and laboratory as of June 15, 2021. The next inspection date will be scheduled for June 2025.

FOR FURTHER INFORMATION CONTACT: Mr. Robert P. Munivez, Laboratories and Scientific Services, U.S. Customs and Border Protection, 4150 Interwood South Parkway, Houston, TX 77032, tel. 281-560-2937.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 16025-D Jacintoport Boulevard, Channelview, TX 77015, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19

CFR 151.12 and 19 CFR 151.13 as of June 15, 2021.¹

Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM method	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-54	D1796	Standard Test Method for Water and Sediment in Crude Oil by Centrifuge Method (Laboratory Procedure).
N/A	D1160	Standard Test Method for Distillation of Petroleum Products at Reduced Pressure.
N/A	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the website listed below for the current CBP Approved Gaugers and Accredited Laboratories List.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,
Laboratory Director, Houston Laboratories and Scientific Services.

[FR Doc. 2023-20697 Filed 9-22-23; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Houston, TX) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Houston, TX), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek, USA Inc. (Houston, TX) has been approved to gauge petroleum and

¹ As a result of the SARS-CoV-2 (COVID-19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID-19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next four years as of September 27, 2019.

DATES: Intertek USA, Inc. (Houston, TX) was approved and accredited as a commercial gauger and laboratory as of September 27, 2019. The next inspection date will be scheduled for September 2023.

FOR FURTHER INFORMATION CONTACT: Dr. Eugene Bondoc, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–3974.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 16025 Suite B Jacintoport Blvd., Houston, TX 77015, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13 as of September 27, 2019.¹

Intertek USA, Inc. (Houston, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Houston, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–46	D5002	Standard Test Method for Density, Relative Density, and API Gravity of Crude Oils by Digital Density Analyzer.
27–48	D4052	Standard Test Method for Density, Relative Density, and API Gravity of Liquids by Digital Density Meter.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure).
N/A	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories.

<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

James D. Sweet,

Laboratory Director, Houston, Laboratories and Scientific Services.

[FR Doc. 2023–20691 Filed 9–22–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB–2023–0006]

RIN 1653–ZA42

Employment Authorization for Afghan F–1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Armed Conflict and Current Humanitarian Crisis in Afghanistan

AGENCY: U.S. Immigration and Customs Enforcement; Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F–1 nonimmigrant students whose country of citizenship is Afghanistan, regardless of country of birth (or individuals

having no nationality who last habitually resided in Afghanistan), and who are experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan. The Secretary is taking action to provide relief to these Afghan students who are in lawful F–1 nonimmigrant students status, so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F–1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F–1 nonimmigrant student granted employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

¹ As a result of the SARS–CoV–2 (COVID–19) pandemic, Laboratories and Scientific Services implemented a one-time quadrennial timeframe for reoccurring audits originally scheduled to take place in 2020, 2021, and 2022. This postponed the

scheduled deadline for audits and the payment of reaccreditation or reapproval fees by one year, after which audits will return to a triennial schedule. See 19 U.S.C. 1499; Presidential Proclamation 9994, 85 FR 15337 (March 13, 2020); Executive Order 13924,

85 FR 31353 (May 19, 2020); and U.S. Customs & Border Protection, COVID–19 Laboratory and Gauger Postponement Letter (May 26, 2021), <https://www.cbp.gov/document/guidance/covid-19-gauger-postponement-letter>.

DATES: This action is effective November 21, 2023, through May 20, 2025.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536–5600; email: sevp@ice.dhs.gov, telephone: (703) 603–3400. This is not a toll-free number. Program information can be found at <https://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F–1 nonimmigrant students whose country of citizenship is Afghanistan regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan), who are present in the United States in lawful F–1 nonimmigrant student status on the date of publication of this notice, and who are experiencing severe economic hardship as a direct result of the armed conflict and humanitarian crisis in Afghanistan. The original notice, which suspended certain regulatory requirements for

F–1 nonimmigrant students experiencing severe economic hardship as a direct result of the situation at that time is effective from May 20, 2022, through November 20, 2023. *See* 87 FR 30971 (May 20, 2022). Effective with this publication, suspension of the employment limitations is available through May 20, 2025, for those who are in lawful

F–1 nonimmigrant status on the date of publication of this notice. DHS will deem an F–1 nonimmigrant student granted employment authorization through this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.¹ *See* 8 CFR 214.2(f)(6)(i)(F).

¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of May 20, 2025, provided the student satisfies the minimum course load requirements in this notice.

Who is covered by this notice?

This notice applies exclusively to F–1 nonimmigrant students who meet all of the following conditions:

- (1) Are a citizen of Afghanistan regardless of country of birth (or an individual having no nationality who last habitually resided in Afghanistan);
- (2) Were lawfully present in the United States on the date of publication of this notice in F–1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i);
- (3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment for F–1 nonimmigrant students;
- (4) Are currently maintaining F–1 nonimmigrant status; and
- (5) Are experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan.

This notice applies to F–1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F–1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to Afghan F–1 nonimmigrant students experiencing severe economic hardship due to the armed conflict and humanitarian crisis in Afghanistan. Based on its review of country conditions in Afghanistan and input received from the U.S. Department of State (DOS), DHS is taking action to allow eligible F–1 nonimmigrant students from Afghanistan to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

Since the August 2021 Taliban takeover, armed conflict, as well as violence against Afghans associated with international efforts in Afghanistan, has continued throughout Afghanistan.² The U.S. Department of State describes ongoing human rights abuses, widespread disregard for law,

² U.S. Department of State, 2022 Country Report on Human Rights Practices: Afghanistan, Mar. 20, 2023, available at: https://www.state.gov/wp-content/uploads/2023/03/415610_AFGHANISTAN-2022-HUMAN-RIGHTS-REPORT.pdf (last visited Aug. 25, 2023).

and a climate of fear of retribution against those who are perceived to oppose the Taliban regime.³ The Taliban do not respect human rights, especially of Afghan women and girls, and struggle to meet the country’s numerous challenges including the economic situation.⁴ The World Bank described the situation in Afghanistan as grim, finding significant instability in food security, healthcare, and general welfare for women and girls.⁵ Ongoing armed conflict poses a serious threat to the safety of nationals returning to Afghanistan. Extraordinary and temporary conditions, including lack of access to food, clean water, and healthcare, as well as destroyed infrastructure, internal displacement, and economic instability continue to prevent Afghan nationals from returning to their homeland in safety.

Scale and Impact of Conflict

While overall armed conflict has decreased since the Taliban takeover, armed conflict continues by the Taliban and the Islamic State in Khorasan Province (ISKP) against the general population persists.^{6,7} Since the Taliban takeover, the Taliban have struggled to stabilize Afghanistan. They imposed their interpretation of sharia law, enacted harsh punishments against the population, and undermined the enjoyment of human rights.⁸ ISKP is a U.S. designated terrorist group and transnational affiliate of the Islamic State militant group that seeks to control Central and South Asia to establish a caliphate.⁹ It is engaged in armed

³ U.S. Department of State, 2022 Country Report on Human Rights Practices: Afghanistan, Mar. 20, 2023, available at: https://www.state.gov/wp-content/uploads/2023/03/415610_AFGHANISTAN-2022-HUMAN-RIGHTS-REPORT.pdf (last visited Aug. 25, 2023).

⁴ Lindsay Maizland, The Taliban in Afghanistan, Council on Foreign Relations (CFR), Jan. 19, 2023, available at: <https://www.cfr.org/backgrounder/taliban-afghanistan> (last visited May 5, 2023).

⁵ The World Bank, World Bank Survey: Living Conditions Remain Dire for the Afghan People, Nov. 22, 2022, available at: <https://www.worldbank.org/en/news/press-release/2022/11/22/world-bank-survey-living-conditions-remain-dire-for-the-afghan-people> (last visited June 8, 2023).

⁶ International Crisis Group, Afghanistan’s Security Challenges under the Taliban, Aug. 12, 2022, available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistans-security-challenges-under-taliban> (last visited May 6, 2023).

⁷ Human Rights Watch, World Report 2023—Afghanistan, Jan. 12, 2023, available at: <https://www.ecoi.net/en/document/2085369.html> (last visited June 8, 2023).

⁸ Amnesty International, Amnesty International Report 2022/23, The State of the World’s Human Rights, Afghanistan 2022, Mar. 27, 2023, available at: <https://www.ecoi.net/en/document/2089394.html> (last visited June 9, 2023).

⁹ Countering a Resurgent Terrorist Threat in Afghanistan: Contingency Planning Memorandum

conflict with the Taliban, and continues to conduct attacks against Taliban fighters, civilians, and protected sites, including mosques.¹⁰ The Taliban continue to fight ISKP in the east and north.^{11 12} ISKP, an Islamic State affiliate active since approximately 2014, continues to pose a risk to security and safety in Afghanistan.¹³ Beginning in August 2021, ISKP began rejecting Taliban legitimacy and escalated attacks against them across the country.¹⁴ In mid-2022, ISKP conducted multiple attacks on primarily civilian targets in Kunduz and Mazar-i-Sharif.¹⁵ Within Afghanistan, ISKP attacks are mostly aimed at Taliban targets and minority groups, especially Hazaras.^{16 17} While ISKP does not control territory in Afghanistan, their recent escalation of attacks contributes to the ongoing security crisis in the country.¹⁸

Update, Council on Foreign Relations, available at: <https://www.cfr.org/report/countering-resurgent-terrorist-threat-afghanistan> (last visited Sept. 18, 2023).

¹⁰ 2022 Report on International Religious Freedom: Afghanistan, Dept. of State, available at: <https://www.state.gov/reports/2022-report-on-international-religious-freedom/afghanistan/#section-3> (last visited Sept. 18, 2023).

¹¹ International Crisis Group, Afghanistan's Security Challenges under the Taliban, Aug. 12, 2022, available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanists-security-challenges-under-taliban> (last visited May 6, 2023).

¹² Human Rights Watch, World Report 2023—Afghanistan, Jan. 12, 2023, available at: <https://www.ecoi.net/en/document/2085369.html> (last visited June 8, 2023).

¹³ Austrian Centre for Country of Origin and Asylum Research and Documentation, Ecoi.net Featured Topic on Afghanistan: Overview of recent developments and key players in Afghanistan, May 17, 2023, available at: <https://www.ecoi.net/en/document/2092065.html> (last visited June 9, 2023).

¹⁴ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited June 9, 2023).

¹⁵ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited June 9, 2023).

¹⁶ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited June 9, 2023).

¹⁷ Michael Kugelman, How Dangerous is the Islamic State-Khorasan?, Foreign Policy, Mar. 23, 2023, available at: <https://foreignpolicy.com/2023/03/23/afghanistan-islamic-state-khorasan-centcom-warning-threat/> (last visited June 9, 2023).

¹⁸ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited June 9, 2023).

Human Rights Abuses

The human rights situation in Afghanistan was recently described as a worsening crisis, with the United Nations Special Rapporteur on Human Rights in Afghanistan, encouraging the International Criminal Court (ICC) to “take note of the unprecedented deterioration of women’s rights . . . and that the Prosecutor consider the crime of gender persecution in Afghanistan.”¹⁹ Afghanistan under the Taliban remains extremely oppressive, particularly with respect to the meaningful participation of women in all aspects of public and private life and the exercise of freedom of religion or belief. Gender-based violence, including sexual violence, against women and girls occurs with impunity.^{20 21}

Hazaras, members of an ethnic and religious minority, have experienced harm in the form of forcible evictions, threats, physical harm, and attacks on religious institutions and education centers.²² In September 2022, Human Rights Watch reported that attacks on members of the Hazara community are “systematic in nature and reflect elements of an organizational policy.”²³

Former employees of the prior Afghan government also continue to face reprisals. Human Rights Watch reported on the killings and disappearances of 47 members of the Afghan National Security Forces (ANSF) in late 2022, and the United Nations (U.N.) found that family members of former Afghan security forces members were also

¹⁹ United Nations High Commissioner for Refugees (UNHCR), A/HRC/52/84: Situation of human rights in Afghanistan—Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Feb. 09, 2023, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur> (last visited June 9, 2023).

²⁰ Fereshta Abbasi, What are the main challenges to women and girls’ rights in Afghanistan?, Human Rights Watch, Mar. 9, 2023, available at: <https://apnews.com/article/taliban-afghanistan-women-rights-united-nations-591c39436d53f83e5a0c423c5e06891c> (last visited May 12, 2023).

²¹ UNHCR, A/HRC/52/84: Situation of human rights in Afghanistan—Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Feb. 09, 2023, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur> (last visited June 9, 2023).

²² U.S. Department of State, 2022 Report on International Religious Freedom: Afghanistan, May 15, 2023, available at: <https://www.ecoi.net/en/document/2091855.html> (last visited June 9, 2023).

²³ Human Rights Watch, Afghanistan: ISIS Group Targets Religious Minorities, Sept. 6, 2022, available at: <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities> (last visited Aug. 21, 2023).

targeted by elements of the Taliban.²⁴ The Taliban have arrested activists and journalists who criticized them on media platforms and raided offices of non-governmental organizations.²⁵ Human rights abuses against perceived opponents have been particularly violent after protests, with the Taliban using live ammunition, whips, and electroshock weapons to disperse crowds.²⁶

Humanitarian Situation

The humanitarian situation in Afghanistan is dire, with 15 million Afghans not consuming enough food, and much of the population impacted, as well as limited access to clean water.^{27 28} As a result of the Taliban takeover and ongoing violence, internal displacement has also skyrocketed in Afghanistan.²⁹ Afghanistan is currently experiencing one of the world’s worst humanitarian disasters, with more than two thirds of the population, 29.2 million people, requiring humanitarian assistance.^{30 31} The U.N. World Food Programme recently found that Afghanistan is at the greatest risk of famine in 25 years, with half of all families in the country existing in crisis-

²⁴ Austrian Centre for Country of Origin and Asylum Research and Documentation, Ecoi.net Featured Topic on Afghanistan: Overview of recent developments and key players in Afghanistan, May 17, 2023, available at: <https://www.ecoi.net/en/document/2092065.html> (last visited June 9, 2023).

²⁵ European Union Agency for Asylum, Country Guidance: Afghanistan; January 2023, Jan. 2023, available at: https://www.ecoi.net/en/file/local/2086795/2023_Country_Guidance_Afghanistan_EN.pdf (last visited June 9, 2023).

²⁶ European Union Agency for Asylum, Country Guidance: Afghanistan; January 2023, Jan. 2023, available at: https://www.ecoi.net/en/file/local/2086795/2023_Country_Guidance_Afghanistan_EN.pdf (last visited June 9, 2023).

²⁷ Human Rights Watch, Afghanistan: Economic Roots of the Humanitarian Crisis, Mar. 1, 2022, available at: <https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis> (last visited June 9, 2023).

²⁸ World Food Programme, WFP Afghanistan; Situation Report; 24 May 2023, May 24, 2023, available at: <https://reliefweb.int/attachments/bb0a5390-5198-4194-b87d-c8a78cd42e22/20230524%20AFG%20External%20Sitrep.pdf> (last visited June 9, 2023).

²⁹ Internal Displacement Monitoring Centre, Country Profile: Afghanistan, May 24, 2023, available at: <https://www.internal-displacement.org/countries/afghanistan> (last visited June 9, 2023).

³⁰ Human Rights Watch, Hard Choices in Afghanistan’s Humanitarian Crisis, May 15, 2023, available at: <https://www.hrw.org/news/2023/05/15/hard-choices-afghanists-humanitarian-crisis#:~:text=Afghanistan%20has%20largely%20disappeared%20from,girls%20remain%20most%20at%20risk.> (last visited June 9, 2023).

³¹ ReliefWeb, Afghanistan: Revised Humanitarian Response Plan (Jun–Dec 2023), available at: <https://reliefweb.int/report/afghanistan/afghanistan-revised-humanitarian-response-plan-jun-dec-2023> (last Sept. 15, 2023).

coping mode.³² Since August 2022, the Programme estimates that nine out of ten families in Afghanistan do not have the means to afford enough food.³³ A recent Whole of Afghanistan Assessment found that 79 percent of households lack enough water for daily needs.³⁴ More than 1.6 million Afghans fled the country since 2021, with Iran and Pakistan hosting 85 percent of displaced Afghans.³⁵ There are also approximately 3.2 million internally displaced persons (IDPs) due to conflict and violence.³⁶

Healthcare and Infrastructure Concerns

Afghanistan's healthcare system is currently struggling and hospitals that are still functioning do so with few supplies and massive staff shortages, as many medical personnel have fled the unstable country and foreign aid has been suspended since the Taliban takeover.³⁷ The Taliban's targeted attacks on vital infrastructure, including power stations, roads, and cell phone towers have created dire circumstances across the country, which is made worse by the suspension of international support for civilian infrastructure maintenance due to the expulsion of aid workers by the Taliban regime.^{38, 39}

Economic Concerns

Economic instability has added to the deepening humanitarian crisis in Afghanistan. Due to the economic collapse, high inflation, and difficulty in finding stable jobs, an estimated one million children are working in

Afghanistan, a number that soared since the Taliban seized power.⁴⁰ In November 2021, the Taliban banned the use of foreign currency, which may further disrupt an economy on the brink of collapse.⁴¹ The World Bank notes that the unexpected loss of public sector activity is likely to have impacts throughout the Afghan economy, especially in the service and construction sectors, which accounts for approximately 58 percent of GDP.⁴² When compared to the previous Taliban era, the level of poverty this time is predicted to be worse and felt more acutely across the country.⁴³

As of September 13, 2023, approximately 550 F-1 nonimmigrant students from Afghanistan are enrolled at SEVP-certified academic institutions in the United States. Given the extent of the current armed conflict and current humanitarian crisis in Afghanistan, affected students whose primary means of financial support comes from Afghanistan may need to be exempt from the normal student employment requirements to continue their studies in the United States. The current armed conflict and current humanitarian crisis has made it unfeasible for many students to safely return to Afghanistan for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement to maintain valid F-1 nonimmigrant status under this notice?

Undergraduate F-1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours

normally required under a "full course of study." See 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F-1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F-1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless their course of study is in an English language study program. See 8 CFR 214.2(f)(6)(i)(G). An F-1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain "class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation," as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of federal and state labor laws limiting the employment of minors.

May an eligible F-1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F-1 nonimmigrant student who is an Afghan citizen, regardless of country of birth (or an individual having no nationality who last habitually resided in Afghanistan), who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F-1 nonimmigrant student may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit from this notice, the F-1 nonimmigrant student must request that their designated school official (DSO) enter the following statement in the remarks field of the student's Student and Exchange Visitor Information

³² *Id.*

³³ *Id.*

³⁴ ReliefWeb, Afghanistan: Drought—2021–2023, 2021–2023, available at: <https://reliefweb.int/disaster/dr-2021-000022-afg> (last visited June 9, 2023).

³⁵ UNCHR, Afghanistan Humanitarian Crisis, available at: <https://www.unrefugees.org/emergencies/afghanistan/> (last visited June 9, 2023).

³⁶ Afghanistan Humanitarian Crisis, UNHCR, available at: <https://www.unrefugees.org/emergencies/afghanistan/> (last visited Sept. 15, 2023).

³⁷ Ngoc Phuong Hong Tao, et al., Healthcare collapse in Afghanistan due to political crises, natural catastrophes, and dearth of international aid post-COVID, Jan. 11, 2023, *Journal of Global Health*, available at: <https://jogh.org/2023/jogh-13-03003> (last visited June 9, 2023).

³⁸ Statement on Continuation of Assassinations, Kidnappings, and Destruction of Vital Infrastructure, US Embassy in Afghanistan, Jan. 31, 2021, available at: <https://af.usembassy.gov/statement-on-continuation-of-assassinations-kidnappings-and-destruction-of-vital-infrastructure/> (last visited June 9, 2023).

³⁹ UN Office for the Coordination of Humanitarian Affairs, Afghanistan: ICCT Winter Prioritisation—December 2022 (Issued 16 January 2023), Jan. 17, 2023, available at: https://reliefweb.int/attachments/1d506d5a-3624-4768-87ac-5bc51329b9b3/2023%20ICCT%20Winter%20Prioritisation%20Report_Q1_fn_160123.pdf (last visited June 9, 2023).

⁴⁰ Radio Free Europe/Radio Liberty, 'Life of Toil': Growing Number of Starving Afghan Families Send Children to Work, May 17, 2023, available at: <https://www.ecoi.net/en/document/2092100.html> (last visited June 9, 2023).

⁴¹ Taliban bans foreign currencies in Afghanistan, BBC News, Nov. 3, 2021, available at: <https://www.bbc.com/news/business-59129470> (last visited May 12, 2023).

⁴² Anthony Cordesman, Reshaping U.S. Aid to Afghanistan: The Challenge of Lasting Progress, Feb. 23, 2022, available at: <https://www.csis.org/analysis/reshaping-us-aid-afghanistan-challenge-lasting-progress> (last visited May 10, 2023).

⁴³ Killing the Goose that Laid the Golden Egg: Afghanistan's economic distress post-15 August, Afghanistan Analysts Network, Nov. 11, 2021, available at: <https://www.afghanistan-analysts.org/en/reports/economydevelopment-environment/killing-the-goose-that-laid-the-golden-egg-afghanistans-economic-distress-post-15-august/> (last visited May 12, 2023).

System (SEVIS) record, which the student's Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus," depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].⁴⁴

Must the F-1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her "full course of study"?

No. DHS will deem an F-1 nonimmigrant student who receives and complies with the employment authorization permitted under this notice to be engaged in a "full course of study"⁴⁵ for the duration of the student's employment authorization, provided that a qualifying undergraduate level F-1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F-1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a "full course of study." See 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F-1 nonimmigrant status.

⁴⁴ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of May 20, 2025, provided the student satisfies the minimum course load requirements in this notice.

⁴⁵ See 8 CFR 214.2(f)(6).

Will an F-2 dependent (spouse or minor child) of an F-1 nonimmigrant student covered by this notice be eligible for employment authorization?

No. An F-2 spouse or minor child of an F-1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F-2 nonimmigrant status, consistent with 8CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F-1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F-1 nonimmigrant students who meet the following conditions:

- (1) Are a citizen of Afghanistan regardless of country of birth (or an individual having no nationality who last habitually resided in Afghanistan);
- (2) Were lawfully present in the United States on the date of publication of this notice in F-1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i);
- (3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F-1 nonimmigrant students;
- (4) Are maintaining F-1 nonimmigrant status; and
- (5) Are experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan.

An F-1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan).

Does this notice apply to a continuing F-1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F-1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F-1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F-1 visa to

continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F-1 status?

Yes. However, this notice does not by itself reduce the required course load for F-1 nonimmigrant students from Afghanistan enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8CFR214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F-1 nonimmigrant students regardless of educational level. Eligible F-1 nonimmigrant students from Afghanistan enrolled in an elementary school, middle school, or high school may benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session.

On-Campus Employment Authorization

Will an F-1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F-1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F-1 nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F-1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the student's SEVIS record, which will be reflected on the student's Form I-20:

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].⁴⁶

⁴⁶ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in

To obtain on-campus employment authorization, the F–1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the current armed conflict and current humanitarian crisis in Afghanistan. An F–1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time on-campus employment when school is not in session or during school vacations apply, as described in 8 CFR 214.2(f)(9)(i).

Will an F–1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F–1 nonimmigrant student status?

Yes. DHS will deem an F–1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a “full course of study”⁴⁷ for the purpose of maintaining their F–1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if the reduction would not meet the academic institution’s minimum course load requirement for continued enrollment.⁴⁸

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F–1 nonimmigrant student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following

regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F–1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F–1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student’s carrying a full course of study;

(c) The requirement that limits an F–1 nonimmigrant student’s employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F–1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F–1 nonimmigrant status?

Yes. DHS will deem an F–1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a “full course of study”⁴⁹ for the purpose of maintaining F–1 nonimmigrant student status for the duration of the student’s employment authorization if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization for a reduced course load is solely for DHS purposes of determining valid F–1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F–1 nonimmigrant student to take a reduced course load if such reduced course load would not meet the school’s minimum course load requirement.⁵⁰

How may an eligible F–1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F–1 nonimmigrant student must file a Form I–765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic

hardship directly resulting from the current armed conflict and current humanitarian crisis in Afghanistan.⁵¹ Filing instructions are located at <https://www.uscis.gov/i-765>.

Fee considerations. Submission of a Form I–765 currently requires payment of a \$410 fee. An applicant who is unable to pay the fee may submit a completed Form I–912, Request for Fee Waiver, along with the Form I–765, Application for Employment Authorization. See <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee-waiver>. The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). See 8 CFR 103.7(c) (Oct. 1, 2020).

Supporting documentation. An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to their DSO:

(1) This employment is necessary to avoid severe economic hardship; and

(2) The hardship is a direct result of the current armed conflict and current humanitarian crisis in Afghanistan.

If the DSO agrees that the F–1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student’s SEVIS record, which will then appear on that student’s Form I–20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I–766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].⁵²

The F–1 nonimmigrant student must then file the properly endorsed Form I–20 and Form I–765 according to the instructions for the Form I–765. The F–1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F–1

a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of May 20, 2025, provided the student satisfies the minimum course load requirements in this notice.

⁴⁷ See 8 CFR 214.2(f)(6).

⁴⁸ Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

⁴⁹ See 8 CFR 214.2(f)(6).

⁵⁰ Minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

⁵¹ See 8 CFR 274a.12(c)(3)(iii).

⁵² Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of May 20, 2025, provided the student satisfies the minimum course load requirements in this notice.

nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F–1 nonimmigrant student is in good academic standing and is carrying a “full course of study”⁵³ at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Afghanistan, regardless of country of birth (or an individual having no nationality who last habitually resided in Afghanistan), and is experiencing severe economic hardship as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan, as documented on the Form I–20;

(c) The F–1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level;⁵⁴ and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the current armed conflict and current humanitarian crisis in Afghanistan.

Processing. To facilitate prompt adjudication of the student’s application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F–1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes the following documents:

(1) A completed Form I–765 with all applicable supporting evidence;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c) (Oct. 1, 2020); and

(3) A signed and dated copy of the student’s Form I–20 with the appropriate DSO recommendation, as previously described in this notice; and

(b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase “SPECIAL STUDENT RELIEF.”⁵⁵ Failure to include this notation may result in significant processing delays.

If USCIS approves the student’s Form I–765, USCIS will send the student a

Form I–766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status (TPS) Considerations

Can an F–1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F–1 nonimmigrant student who has not yet applied for TPS or for other relief that reduces the student’s course load per term and permits an increased number of work hours per week, such as Special Student Relief,⁵⁶ under this notice has two options.

Under the first option, the F–1 nonimmigrant student may apply for TPS according to the instructions in the USCIS notice designating Afghanistan for TPS elsewhere in this issue of the **Federal Register**. All TPS applicants must file a Form I–821, Application for Temporary Protected Status, with the appropriate fee (or request a fee waiver). Although not required to do so, if F–1 nonimmigrant students want to obtain a new TPS-related EAD that is valid through May 20, 2025, and to be eligible for automatic EAD extensions that may be available to certain EADs with an A–12 or C–19 category code, they must file Form I–765 and pay the Form I–765 fee (or request a fee waiver). After receiving the TPS-related EAD, an F–1 nonimmigrant student may request that their DSO make the required entry in SEVIS, issue an updated Form I–20, as described in this notice, and note that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. As long as the F–1 nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate their nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains TPS, then the student maintains F–1 status and TPS concurrently.

Under the second option, the F–1 nonimmigrant student may apply for an EAD under Special Student Relief by filing Form I–765 with the location specified in the filing instructions. At the same time, the F–1 nonimmigrant student may file a separate TPS application but must submit the Form I–821 according to the instructions provided in the **Federal Register** notice designating Afghanistan for TPS. If the F–1 nonimmigrant student has already

applied for employment authorization under Special Student Relief, they are not required to submit the Form I–765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS-related EAD in light of certain extensions that may be available to EADs with an A–12 or C–19 category code that are not available to the C–3 category under which Special Student Relief falls. The F–1 nonimmigrant student should check the appropriate box when filling out Form I–821 to indicate whether a TPS-related EAD is being requested. Again, as long as the F–1 nonimmigrant student maintains the minimum course load described in this notice and does not otherwise violate the student’s nonimmigrant status, included as provided under 8 CFR 214.1(g), the nonimmigrant will be able to maintain compliance requirements for F–1 nonimmigrant student status while having TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F–1 nonimmigrant student must maintain normal course load requirements for a “full course of study”⁵⁷ unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (e.g., clock hours for non-traditional academic programs). Once approved for a TPS-related EAD and Special Student Relief employment authorization, as indicated by the DSO’s required entry in SEVIS and issuance of an updated Form I–20, the F–1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level). See 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a TPS-related EAD. The F–1 nonimmigrant student must

⁵³ See 8 CFR 214.2(f)(6).

⁵⁴ 8 CFR 214.2(f)(5)(v).

⁵⁵ Guidance for direct filing addresses can be found here: <https://www.uscis.gov/i-765-addresses>.

⁵⁶ See DHS Study in the States, Special Student Relief, <https://studyinthestates.dhs.gov/students/special-student-relief> (last visited May 10, 2023).

⁵⁷ See 8 CFR 214.2(f)(6).

demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the current armed conflict and current humanitarian crisis in Afghanistan. The DSO will then verify and update the student's record in SEVIS to enable the F-1 nonimmigrant student with TPS to reduce the course load without any further action or application. No other EAD needs to be issued for the F-1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F-1 nonimmigrant student status after the noncitizen's F-1 nonimmigrant student status has lapsed?

Yes. Regulations permit certain students who fall out of F-1 nonimmigrant student status to apply for reinstatement. See 8 CFR 214.2(f)(16). This provision may apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. These students must satisfy the criteria set forth in the F-1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until May 20, 2025,⁵⁸ to eligible F-1 nonimmigrant students. DHS will continue to monitor the situation in Afghanistan. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the **Federal Register**.

Paperwork Reduction Act (PRA)

An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current armed conflict and current humanitarian crisis in Afghanistan must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the

⁵⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of May 20, 2025, provided the student satisfies the minimum course load requirements in this notice.

remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653-0038.

This notice also allows an eligible F-1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

To apply for employment authorization, certain F-1 nonimmigrant students must complete and submit a currently approved Form I-765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I-765, consistent with the PRA (OMB Control Number 1615-0040). Although there will be a slight increase in the number of Form I-765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I-765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2023-20789 Filed 9-21-23; 4:15 pm]

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DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2755-23; DHS Docket No. USCIS-2022-0004]

RIN 1615-ZB94

Extension and Redesignation of Afghanistan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) extension and redesignation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Afghanistan for Temporary Protected Status (TPS) for 18 months, beginning on November 21, 2023, and ending on

May 20, 2025. This extension allows existing TPS beneficiaries to retain TPS through May 20, 2025, so long as they otherwise continue to meet the eligibility requirements for TPS. Existing TPS beneficiaries who wish to extend their status through May 20, 2025, must re-register during the 60-day re-registration period described in this notice. The Secretary is also redesignating Afghanistan for TPS. The redesignation of Afghanistan allows additional Afghan nationals (and individuals having no nationality who last habitually resided in Afghanistan) who have been continuously residing in the United States since September 20, 2023, to apply for TPS for the first time during the initial registration period described under the redesignation information in this notice. In addition to demonstrating continuous residence in the United States since September 20, 2023, and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since November 21, 2023, the effective date of this redesignation of Afghanistan for TPS.

DATES:

Extension of Designation of Afghanistan for TPS: The 18-month designation of Afghanistan for TPS begins on November 21, 2023, and will remain in effect for 18 months, ending on May 20, 2025. The extension impacts existing beneficiaries of TPS.

Re-Registration: The 60-day re-registration period for existing beneficiaries runs from September 25, 2023 through November 24, 2023. (*Note:* It is important for re-registrants to timely re-register during the registration period and not to wait until their Employment Authorization Documents (EADs) expire, as delaying reregistration could result in gaps in their employment authorization documentation.)

Redesignation of Afghanistan for TPS: The 18-month redesignation of Afghanistan for TPS begins on November 21, 2023, and will remain in effect for 18 months, ending on May 20, 2025. The redesignation impacts potential first-time applicants and others who do not currently have TPS.

First-time Registration: The initial registration period for new applicants under the Afghanistan TPS redesignation begins on September 25, 2023 and will remain in effect through May 20, 2025.

FOR FURTHER INFORMATION CONTACT:

- You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs

Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800-375-5283.

- For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. You can find specific information about Afghanistan's TPS designation by selecting Afghanistan from the menu on the left side of the TPS web page.

- If you have additional questions about TPS, please visit uscis.gov/tools. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>.

- Further information will also be available at local USCIS offices upon publication of this notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
 CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 DOS—U.S. Department of State
 EAD—Employment Authorization Document
 FNC—Final Nonconfirmation
 Form I-131—Application for Travel Document
 Form I-765—Application for Employment Authorization
 Form I-797—Notice of Action
 Form I-821—Application for Temporary Protected Status
 Form I-9—Employment Eligibility Verification
 Form I-912—Request for Fee Waiver
 Form I-94—Arrival/Departure Record
 FR—Federal Register
 Government—U.S. Government
 IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section
 IJ—Immigration Judge
 INA—Immigration and Nationality Act
 SAVE—USCIS Systematic Alien Verification for Entitlements Program
 Secretary—Secretary of Homeland Security
 TPS—Temporary Protected Status
 TTY—Text Telephone
 USCIS—U.S. Citizenship and Immigration Services
 U.S.C.—United States Code

Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for nationals of Afghanistan (or individuals having no nationality who last habitually resided in Afghanistan) to (1) re-register for TPS and to apply for renewal of their EADs with USCIS or (2) submit an initial registration application under the redesignation and apply for an EAD.

Re-registration is limited to individuals who have previously registered for TPS under the prior designation of Afghanistan and whose applications have been granted. Failure to re-register properly within the 60-day re-registration period may result in the withdrawal of your TPS following appropriate procedures. See 8 CFR 244.14.

For individuals who have already been granted TPS under Afghanistan's designation, the 60-day re-registration period runs from September 25, 2023 through November 24, 2023. USCIS will issue new EADs with a May 20, 2025, expiration date to eligible Afghan TPS beneficiaries who timely re-register and apply for EADs. Given the time frames involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants may receive new EADs before their current EADs expire. Accordingly, through this **Federal Register** notice, DHS automatically extends the validity of certain EADs previously issued under the TPS designation of Afghanistan through November 20, 2024. Therefore, as proof of continued employment authorization through November 20, 2024, TPS beneficiaries can show their EADs that have the notation A-12 or C-19 under Category and a "Card Expires" date of November 20, 2023. This notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I-9, Employment Eligibility Verification, E-Verify, and USCIS Systematic Alien Verification for Entitlements (SAVE) processes.

Individuals who have an Afghanistan TPS application (Form I-821) and/or Application for Employment Authorization (Form I-765) that was still pending as of September 25, 2023 do not need to file either application again. If USCIS approves an individual's pending Form I-821, USCIS will grant the individual TPS through May 20, 2025. Similarly, if USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through the same date. There are approximately 3,100

beneficiaries under Afghanistan's TPS designation.

Under the redesignation, individuals who currently do not have TPS may submit an initial application during the initial registration period that runs from September 25, 2023 and runs through the full length of the redesignation period ending May 20, 2025. In addition to demonstrating continuous residence in the United States since September 20, 2023, and meeting other eligibility criteria, initial applicants for TPS under this redesignation must demonstrate that they have been continuously physically present in the United States since November 21, 2023,¹ the effective date of this redesignation of Afghanistan, before USCIS may grant them TPS. DHS estimates that approximately 14,600 individuals may become newly eligible for TPS under the redesignation of Afghanistan.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.

- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.

- TPS beneficiaries may also apply for and be granted travel authorization as a matter of DHS discretion.

- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)-(2), 8 U.S.C. 1254a(c)(1)-(2).

- When the Secretary terminates a foreign state's TPS designation, beneficiaries return to one of the following:

- The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or

- Any other lawfully obtained immigration status or category they received while registered for TPS, as

¹ The "continuous physical presence date" (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the **Federal Register** or such later date as the Secretary may establish. The "continuous residence date" (CR) is any date established by the Secretary when a country is designated (or sometimes redesignated) for TPS. See INA sec. 244(b)(2)(A) (effective date of designation); 244(c)(1)(A)(i-ii) (CR and CPP date requirements); 8 U.S.C. 1254a(b)(2)(A); 1254a(c)(1)(A)(i-ii).

long as it is still valid beyond the date TPS terminates.

When was Afghanistan designated for TPS?

Afghanistan was initially designated on the basis of ongoing armed conflict and extraordinary and temporary conditions in Afghanistan that prevented nationals of Afghanistan from returning in safety. *See Designation of Afghanistan for Temporary Protected Status*, 87 FR 30976 (May 20, 2022).

What authority does the Secretary have to extend the designation for Afghanistan for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.² The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation. *See* INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).³ The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). *See* INA sec. 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the

conditions for the TPS designation. *See* INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state continues to meet the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

What is the Secretary's authority to redesignate Afghanistan for TPS?

In addition to extending an existing TPS designation, the Secretary, after consultation with appropriate Government agencies, may redesignate a country (or part thereof) for TPS. *See* INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1); *see also* INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i) (requiring that "the alien has been continuously physically present since the effective date of the most recent designation of the state") (emphasis added).⁴

When the Secretary designates or redesignates a country for TPS, the Secretary also has the discretion to establish the date from which TPS applicants must demonstrate that they have been "continuously resid[ing]" in the United States. *See* INA sec. 244(c)(1)(A)(ii), 8 U.S.C. 1254a(c)(1)(A)(ii). The Secretary has determined that the "continuous residence" date for applicants for TPS under the redesignation of Afghanistan shall be September 20, 2023. Initial applicants for TPS under this redesignation must also show they have been "continuously physically present" in the United States since November 21, 2023, which is the effective date of the Secretary's redesignation of Afghanistan. *See* INA sec. 244(c)(1)(A)(i), 8 U.S.C. 1254a(c)(1)(A)(i). For each initial TPS application filed under the redesignation, the final determination of whether the applicant has met the "continuous physical presence"

requirement cannot be made until November 21, 2023, the effective date of this redesignation for Afghanistan. USCIS, however, will issue employment authorization documentation, as appropriate, during the registration period in accordance with 8 CFR 244.5(b).

Why is the Secretary extending the TPS designation for Afghanistan and simultaneously redesignating Afghanistan for TPS through May 20, 2025?

DHS has reviewed country conditions in Afghanistan. Based on the review, including input received from DOS and other U.S. Government agencies, the Secretary has determined that an 18-month TPS extension is warranted because ongoing armed conflict and extraordinary and temporary conditions supporting Afghanistan's TPS designation remain. The Secretary has further determined that redesignating Afghanistan for TPS under INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C) is warranted and is changing the "continuous residence" and "continuous physical presence" dates that applicants must meet to be eligible for TPS.

Overview

Since the August 2021 Taliban takeover of Afghanistan, armed conflict and insurgency continue to cause insecurity and widespread harm throughout the country.⁵ The U.S. Department of State describes ongoing human rights abuses, widespread disregard for law, and a climate of fear of retribution against those who are perceived to oppose the Taliban.⁶ The Taliban continue to be viewed as both ill-equipped and unwilling to meet the country's numerous challenges including the current security situation, economic insecurity, and respect for human rights.⁷ The World Bank described the situation in Afghanistan as "grim," finding significant instability in food security, healthcare, and general welfare for women and girls.⁸ Ongoing

² INA section 244(b)(1) ascribes this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. *See* Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135 (2002). The Secretary may designate a country (or part of a country) for TPS on the basis of ongoing armed conflict such that returning would pose a serious threat to the personal safety of the country's nationals and habitual residents, environmental disaster (including an epidemic), or extraordinary and temporary conditions in the country that prevent the safe return of the country's nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must request TPS. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country's nationals to remain temporarily in the United States is contrary to the U.S. national interest. INA sec. 244(b)(1); 8 U.S.C. 1254a(b)(1).

³ This issue of judicial review is the subject of litigation. *See, e.g., Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* granted Feb. 10, 2023 (No. 18-16981); *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019).

⁴ The extension and redesignation of TPS for Afghanistan is one of several instances in which the Secretary and, prior to the establishment of DHS, the Attorney General, have simultaneously extended a country's TPS designation and redesignated the country for TPS. *See, e.g., Extension and Redesignation of Haiti for Temporary Protected Status*, 76 FR 29000 (May 19, 2011); *Extension and Re-designation of Temporary Protected Status for Sudan*, 69 FR 60168 (Oct. 7, 2004); *Extension of Designation and Redesignation of Liberia Under Temporary Protected Status Program*, 62 FR 16608 (Apr. 7, 1997).

⁵ U.S. Department of State, 2022 Country Report on Human Rights Practices: Afghanistan, Mar. 20, 2023, available at: <https://www.ecoi.net/en/document/2089060.html> (last visited: June 8, 2023).

⁶ U.S. Department of State, 2022 Country Report on Human Rights Practices: Afghanistan, Mar. 20, 2023, available at: <https://www.ecoi.net/en/document/2089060.html> (last visited: June 8, 2023).

⁷ Lindsay Maizland, The Taliban in Afghanistan, Council on Foreign Relations (CFR), Jan. 19, 2023, available at: <https://www.cfr.org/backgrounder/taliban-afghanistan> (last visited: May 5, 2023).

⁸ The World Bank, World Bank Survey: Living Conditions Remain Dire for the Afghan People, Nov. 22, 2022, available at: <https://www.worldbank.org/en/news/press-release/2022/11/22/world-bank-survey-living-conditions-remain->

armed conflict in Afghanistan also poses a serious threat to the safety of nationals returning to Afghanistan. Extraordinary and temporary conditions, including lack of access to food, clean water, and healthcare, as well as destroyed infrastructure, internal displacement, and economic instability continue to prevent Afghan nationals from returning to their homeland in safety.

Scale and Impact of Conflict

While overall violent conflict has decreased since the Taliban takeover of Afghanistan, armed conflict continues between the Taliban and the Islamic State in Khorasan Province (ISKP), and violence by the Taliban and the ISKP against the general population persists.⁹ ISKP is a U.S. designated terrorist group and transnational affiliate of the Islamic State militant group that seeks to control Central and South Asia to establish a caliphate.¹⁰ It is engaged in armed conflict with the Taliban, and continues to conduct attacks against Taliban fighters, civilians, and protected sites, including mosques.¹¹ The Taliban continue to fight ISKP in the east and north.¹² ISKP, an Islamic State affiliate active since approximately 2014,

dire-for-the-afghan-people (last visited: June 8, 2023).

⁹ International Crisis Group, Afghanistan's Security Challenges under the Taliban, Aug. 12, 2022, available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistans-security-challenges-under-taliban> (last visited May 6, 2023); Human Rights Watch, World Report 2023—Afghanistan, Jan. 12, 2023, available at: <https://www.ecoi.net/en/document/2085369.html> (last visited: June 8, 2023).

¹⁰ See U.S. Dep't. of State, Foreign Terrorist Organizations, Bureau of Counterterrorism, available at <https://www.state.gov/foreign-terrorist-organizations/> (last visited Sept. 18, 2023); U.S. Dep't. of State, 2022 Report on International Religious Freedom: Afghanistan, May 15, 2023, available at <https://www.state.gov/reports/2022-report-on-international-religious-freedom/afghanistan/> (last visited Sept. 18, 2023); European Union Agency for Asylum, 1.4 Islamic State Khorasan Province ISKP, available at <https://euaa.europa.eu/country-guidance-afghanistan-2022/14-islamic-state-khorasan-province-iskp> (last visited Sept. 18, 2023).

¹¹ U.S. Dep't. of State, 2022 Report on International Religious Freedom: Afghanistan, May 15, 2023, available at <https://www.state.gov/reports/2022-report-on-international-religious-freedom/afghanistan/> (last visited Sept. 18, 2023); Eliza Mackintosh, Ehsan Popalzai, Antonio Jarne and Lou Robinso, 'No one feels safe': The Taliban promised to provide security to Afghans. New data shows threat from ISIS is growing, CNN, May 19, 2023, available at <https://www.cnn.com/2023/05/19/asia/isis-k-attacks-afghanistan-taliban-cmd-intl/index.html> (last visited Sept. 18, 2023).

¹² International Crisis Group, Afghanistan's Security Challenges under the Taliban, Aug. 12, 2022, available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistans-security-challenges-under-taliban> (last visited May 6, 2023); Human Rights Watch, World Report 2023—Afghanistan, Jan. 12, 2023, available at: <https://www.ecoi.net/en/document/2085369.html> (last visited: June 8, 2023).

continues to pose a risk to security and safety in Afghanistan.¹³ Since August 2021, ISKP has rejected Taliban legitimacy and escalated attacks against them across the country.¹⁴ In mid-2022, ISKP conducted multiple attacks on primarily civilian targets in Kunduz and Mazar-i-Sharif.¹⁵ Within Afghanistan, ISKP attacks are mostly aimed at Taliban targets and minority groups, especially Hazaras.¹⁶ While ISKP does not control territory in Afghanistan, their recent escalation of attacks contributes to the ongoing security crisis in the country.¹⁷

Human Rights Abuses

Since the Taliban takeover of Afghanistan, they have struggled to stabilize the country and, in an effort to exert control, they imposed their interpretation of sharia law, enacted harsh punishments against the population, and undermined the enjoyment of human rights.¹⁸

The human rights situation in Afghanistan was recently described as a worsening crisis, with the United Nations Special Rapporteur on the situation of human rights in Afghanistan encouraging the International Criminal Court (ICC) to “take note of the unprecedented deterioration of women’s rights . . . and that the Prosecutor consider the crime of gender

¹³ Austrian Centre for Country of Origin and Asylum Research and Documentation, *Ecoi.net* Featured Topic on Afghanistan: Overview of recent developments and key players in Afghanistan, May 17, 2023, available at: <https://www.ecoi.net/en/document/2092065.html> (last visited: June 9, 2023).

¹⁴ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited: June 9, 2023).

¹⁵ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited: June 9, 2023).

¹⁶ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited: June 9, 2023); Michael Kugelman, How Dangerous is the Islamic State-Khorasan?, Foreign Policy, Mar. 23, 2023, available at: <https://foreignpolicy.com/2023/03/23/afghanistan-islamic-state-khorasan-centcom-warning-threat/> (last visited: June 9, 2023).

¹⁷ European Union Agency for Asylum, Afghanistan Security Information, Jan. 2023, available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf (last visited: June 9, 2023).

¹⁸ Amnesty International, Amnesty International Report 2022/23; The State of the World's Human Rights; Afghanistan 2022, Mar. 27, 2023, available at: <https://www.ecoi.net/en/document/2089394.html> (last visited June 9, 2023).

persecution in Afghanistan.¹⁹ Resistance to the Taliban has led to an aggressive response from the Taliban, including summary killings, disappearances, information blackouts, and physical abuse.²⁰ Afghanistan under the Taliban remains extremely repressive, particularly with respect to the meaningful participation of women in all aspects of public and private life and the exercise of freedom of religion or belief. Gender-based violence, including sexual violence against women and girls, occurs regularly.²¹ Hazaras, members of an ethnic and religious minority, have experienced harm in the form of forcible evictions, threats, physical harm, and attacks on religious institutions and education centers.²² In September 2022, Human Rights Watch reported that attacks on members of the Hazara community are “systematic in nature and reflect elements of an organizational policy.”²³ Former employees of the prior Afghan government also continue to face reprisals. Human Rights Watch reported on the killings and disappearances of 47 members of the Afghan National Security Forces (ANSF) in late 2022 and the U.N. found that family members of former Afghan security forces were also targeted by elements of the Taliban.²⁴

¹⁹ UNHCR, A/HRC/52/84: Situation of human rights in Afghanistan—Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Feb. 09, 2023, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur> (last visited: June 9, 2023).

²⁰ Austrian Centre for Country of Origin and Asylum Research and Documentation, *Ecoi.net* Featured Topic on Afghanistan: Overview of recent developments and key players in Afghanistan, May 17, 2023, available at: <https://www.ecoi.net/en/document/2092065.html> (last visited: June 9, 2023).

²¹ Fereshta Abbasi, What are the main challenges to women and girls' rights in Afghanistan?, Human Rights Watch, Mar. 9, 2023, available at: <https://apnews.com/article/taliban-afghanistan-women-rights-united-nations-591c39436d53f83e5a0c423c5e06891c> (last visited: May 12, 2023); UNHCR, A/HRC/52/84: Situation of human rights in Afghanistan—Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Feb. 09, 2023, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur> (last visited: June 9, 2023).

²² U.S. Department of State, 2022 Report on International Religious Freedom: Afghanistan, May 15, 2023, available at: <https://www.ecoi.net/en/document/2091855.html> (last visited: June 9, 2023).

²³ Human Rights Watch, Afghanistan: ISIS Group Targets Religious Minorities, Sept. 6, 2022, available at <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities> (last visited August 21, 2023).

²⁴ Austrian Centre for Country of Origin and Asylum Research and Documentation, *Ecoi.net* Featured Topic on Afghanistan: Overview of recent developments and key players in Afghanistan, May

Continued

The Taliban have arrested activists and journalists who criticized them on media platforms and raided offices of nongovernmental organizations.²⁵ Human rights abuses against perceived opponents have been particularly violent after protests, with the Taliban using live ammunition, whips, and electroshock weapons to disperse crowds.²⁶

Humanitarian Situation

The humanitarian situation in Afghanistan is dire, with 15 million people facing acute food insecurity, as well as limited access to clean water and healthcare, destruction of infrastructure, and economic instability.²⁷ As a result of the Taliban takeover and ongoing violence, internal displacement has also skyrocketed in Afghanistan.²⁸ Afghanistan is currently experiencing one of the world's worst humanitarian disasters, with more than two thirds of the population, 29.2 million people, requiring humanitarian assistance.²⁹ The U.N. World Food Programme found that Afghanistan is at "the highest risk of famine in a quarter of a century, with half of all families living in crisis-coping mode" and since August 2022, "nine out of 10 Afghan families cannot afford enough food—the

highest in the world."³⁰ In addition, a recent Whole of Afghanistan Assessment found that 79 percent of households lack enough water for daily needs.³¹ Afghanistan's healthcare system is currently struggling and hospitals that are still functioning do so with few supplies and massive staff shortages, as many medical personnel have fled the unstable country and previously provided development assistance in the healthcare sector has been suspended since the Taliban takeover.³² The Taliban targeted attacks at vital infrastructure, including power stations, roads, and cell phone towers, and since the suspension of international support, civilian infrastructure maintenance has deteriorated.³³ More than 1.6 million Afghans fled the country since 2021, with Iran and Pakistan hosting 85 percent of displaced Afghans.³⁴ There are also approximately 3.25 million internally displaced persons (IDPs) due to conflict and violence.³⁵ Economic instability has added to the deepening humanitarian crisis in Afghanistan. Due to the economic collapse, high inflation, and difficulty in finding stable jobs, an estimated 1 million children are working in Afghanistan, a number that soared since the Taliban takeover.³⁶

This ongoing humanitarian crisis is an extraordinary and temporary condition that makes it difficult for Afghan nationals to safely return to their country.

In summary, the August 2021 Taliban takeover of Afghanistan has led to significant civilian casualties, ongoing armed conflict between armed groups that continue to fight for power, and an extensive record of repressive policies and human rights abuses against women and girls, members of minority groups, and perceived opponents of the Taliban. This ongoing armed conflict and instability have contributed to a grave humanitarian crisis, including mass displacement, food and water insecurity, lack of access to healthcare, and a fragile economic situation.

Based upon this review and after consultation with appropriate U.S. Government agencies, the Secretary has determined that:

- The conditions supporting Afghanistan's designation for TPS continue to be met. *See* INA sec. 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be an ongoing armed conflict in Afghanistan and, due to such conflict, requiring the return to Afghanistan of Afghan nationals (or individuals having no nationality who last habitually resided in Afghanistan) would pose a serious threat to their personal safety. *See* INA sec. 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in Afghanistan that prevent Afghan nationals (or individuals having no nationality who last habitually resided in Afghanistan) from returning to Afghanistan in safety, and it is not contrary to the national interest of the United States to permit Afghan TPS beneficiaries to remain in the United States temporarily. *See* INA sec. 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of Afghanistan for TPS should be extended for an 18-month period, beginning on November 21, 2023, and ending on May 20, 2025. *See* INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- Due to the conditions described above, Afghanistan should be simultaneously extended and redesignated for TPS beginning on November 21, 2023, and ending on May 20, 2025. *See* INA 244(b)(1)(A) and (C) and (b)(2), 8 U.S.C. 1254a(b)(1)(A) and (C) and (b)(2).
- For the redesignation, the Secretary has determined that TPS applicants

<https://www.ecoi.net/en/document/2092100.html> (last visited: June 9, 2023).

17, 2023, available at: <https://www.ecoi.net/en/document/2092065.html> (last visited: June 9, 2023).

²⁵ European Union Agency for Asylum, Country Guidance: Afghanistan; January 2023, Jan. 2023, Available at: https://www.ecoi.net/en/file/local/2086795/2023_Country_Guidance_Afghanistan_EN.pdf (last visited: June 9, 2023).

²⁶ European Union Agency for Asylum, Country Guidance: Afghanistan; January 2023, Jan. 2023, Available at: https://www.ecoi.net/en/file/local/2086795/2023_Country_Guidance_Afghanistan_EN.pdf (last visited: June 9, 2023).

²⁷ Human Rights Watch, Afghanistan: Economic Roots of the Humanitarian Crisis, Mar. 1, 2022, available at: <https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis> (last visited: June 9, 2023); World Food Programme, WFP Afghanistan: Situation Report; 31 July, 2023, July 31, 2023, available at: <https://reliefweb.int/attachments/bb0a5390-5198-4194-b87d-c8a78cd42e22/20230524%20AFG%20External%20Sitrep.pdf> (last visited: Sept. 15, 2023).

²⁸ Internal Displacement Monitoring Centre, Country Profile: Afghanistan, May 24, 2023, available at: <https://www.internal-displacement.org/countries/afghanistan> (last visited: June 9, 2023).

²⁹ Human Rights Watch, Hard Choices in Afghanistan's Humanitarian Crisis, May 15, 2023, available at: <https://www.hrw.org/news/2023/05/15/hard-choices-afghanistans-humanitarian-crisis#:~:text=Afghanistan%20has%20largely%20disappeared%20from,girls%20remain%20most%20at%20risk> (last visited: June 9, 2023); ReliefWeb, Funding drought forces UN food agency to cut rations in Afghanistan, Mar. 17, 2023, available at: <https://reliefweb.int/report/afghanistan/funding-drought-forces-un-food-agency-cut-rations-afghanistan> (last visited: May 12, 2023); UN OCHA, Revised Humanitarian Response Plan, June 12, 2023, available at <https://reliefweb.int/report/afghanistan/afghanistan-revised-humanitarian-response-plan-jun-dec-2023> (last visited Sept. 15, 2023).

³⁰ ReliefWeb, Funding drought forces UN food agency to cut rations in Afghanistan, Mar. 17, 2023, available at: <https://reliefweb.int/report/afghanistan/funding-drought-forces-un-food-agency-cut-rations-afghanistan> (last visited: May 12, 2023).

³¹ ReliefWeb, Afghanistan: Drought—2021–2023, 2021–2023, available at: <https://reliefweb.int/disaster/dr-2021-000022-afg> (last visited: June 9, 2023).

³² Ngoe Phuong Hong Tao, et al., Healthcare collapse in Afghanistan due to political crises, natural catastrophes, and dearth of international aid post-COVID, Jan. 11, 2023, *Journal of Global Health*, available at: <https://jogh.org/2023/jogh-13-03003> (last visited: June 9, 2023).

³³ Statement on Continuation of Assassinations, Kidnappings, and Destruction of Vital Infrastructure, US Embassy in Afghanistan, Jan. 31, 2021, available at: <https://af.usembassy.gov/statement-on-continuation-of-assassinations-kidnappings-and-destruction-of-vital-infrastructure/> (last visited: June 9, 2023); UN Office for the Coordination of Humanitarian Affairs, Afghanistan: ICCT Winter Prioritisation—December 2022 (Issued 16 January 2023), Jan. 17, 2023, available at: https://reliefweb.int/attachments/1d506d5a-3624-4768-87ac-5bc51329b9b3/2023%20ICCT%20Winter%20Prioritisation%20Report_Q1_fn_160123.pdf (last visited: June 9, 2023).

³⁴ UNHCR, Afghanistan Humanitarian Crisis, available at: <https://www.unrefugees.org/emergencies/afghanistan/> (last visited: June 9, 2023).

³⁵ UNHCR, Afghanistan Situation update—1 August 2023, Aug. 30, 2023, available at <https://data.unhcr.org/en/documents/details/103085> (last visited Sept. 15, 2023).

³⁶ Radio Free Europe/Radio Liberty, 'Life Of Toil': Growing Number Of Starving Afghan Families Send Children To Work, May 17, 2023, available at:

must demonstrate that they have continuously resided in the United States since September 20, 2023.

- Initial TPS applicants under the redesignation must demonstrate that they have been continuously physically present in the United States since November 21, 2023, the effective date of the redesignation of Afghanistan for TPS.

- There are approximately 3,100 current Afghan TPS beneficiaries who are eligible to re-register for TPS under the extension.

- It is estimated that approximately 14,600 additional individuals may be eligible for TPS under the redesignation of Afghanistan. This population includes Afghan nationals in the United States in nonimmigrant status or without immigration status.

Notice of the Designation of Afghanistan for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Afghanistan's designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are met and it is not contrary to the national interest of the United States to permit Afghan TPS beneficiaries to remain in the United States temporarily. See INA sec. 244(b)(1)(A) and (C), 8 U.S.C. 1254a(b)(1)(A) and (C). On the basis of this determination, I am simultaneously extending the existing designation of Afghanistan for TPS for 18 months, beginning on November 21, 2023, and ending on May 20, 2025, and redesignating Afghanistan for TPS for the same 18-month period. See INA sec. 244(b)(1)(A) and (C) and (b)(2); 8 U.S.C. 1254a(b)(1)(A) and (C), and (b)(2).

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register or Re-Register for TPS

To register for TPS based on the designation of Afghanistan, you must

submit a Form I-821, Application for Temporary Protected Status, and pay the filing fee (or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver). You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the "Biometric Services Fee" section of this notice.

TPS beneficiaries are eligible for an Employment Authorization Document (EAD), which proves their authorization to work in the United States. You are not required to submit Form I-765, Application for Employment Authorization, or have an EAD to be granted TPS, but see below for more information if you want an EAD to use as proof that you can work in the United States.

Individuals who have an Afghanistan TPS application (Form I-821) that was still pending as of September 25, 2023 do not need to file the application again. If USCIS approves an individual's Form I-821, USCIS will grant the individual TPS through May 20, 2025.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. Fees for the Form I-821, the Form I-765, and biometric services are also described in 8 CFR 103.7(b)(1) (Oct. 1, 2020). In addition, the form instructions for the Form I-821 and Form I-765 provide further information on requirements and fees for both initial TPS applicants and existing TPS beneficiaries who are re-registering.

How can TPS beneficiaries obtain an Employment Authorization Document (EAD)?

Everyone must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work. Those who want to obtain an EAD must file a Form I-765 and pay the Form I-765 fee (or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver). TPS applicants may file this form along with their TPS application,

or at a later date, provided their TPS application is still pending or has been approved. Beneficiaries with an Afghan TPS-related Form I-765 that was still pending as of September 25, 2023 do not need to file the application again. If USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through May 20, 2025.

Refiling an Initial TPS Registration Application After Receiving a Denial of a Fee Waiver Request

If USCIS denies your fee waiver request, you can resubmit your TPS application. The fee waiver denial notice will contain specific instructions about resubmitting your application.

Filing Information

USCIS offers the option to applicants for TPS under Afghanistan's designation to file Form I-821 and related requests for EADs online or by mail. However, if you request a fee waiver, you must submit your application by mail. When filing a TPS application, applicants can also request an EAD by submitting a completed Form I-765, with their Form I-821.

Online filing: Forms I-821 and I-765 are available for concurrent filing online.³⁷ To file these forms online, you must first create a USCIS online account.³⁸

Mail filing: Mail your application for TPS to the proper address in Table 1.

Table 1—Mailing Addresses

Mail your completed Form I-821, Application for Temporary Protected Status; Form I-765, Application for Employment Authorization; Form I-912, Request for Fee Waiver (if applicable); and supporting documentation to the proper address in Table 1.

³⁷ Find information about online filing at "Forms Available to File Online," <https://www.uscis.gov/file-online/forms-available-to-file-online>.

³⁸ https://myaccount.uscis.gov/users/sign_up.

TABLE 1—MAILING ADDRESSES

Alaska American Samoa Arizona California Colorado Guam Hawaii Idaho Kansas Montana Nebraska Nevada New Mexico North Dakota Northern Mariana Islands Oklahoma Oregon Puerto Rico South Dakota Texas U.S. Virgin Islands Utah Washington Wyoming	U.S. Postal Service (USPS): USCIS, Attn: TPS Afghanistan, P.O. Box 20300, Phoenix, AZ 85036–0300. FedEx, UPS, and DHL deliveries: USCIS, Attn: TPS Afghanistan (Box 20300), 2108 E Elliot Rd., Tempe, AZ 85284–1806.
Alabama Arkansas Connecticut Delaware District of Columbia Florida Georgia Illinois Indiana Iowa Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri New Hampshire New Jersey New York North Carolina Ohio Pennsylvania Rhode Island South Carolina Tennessee Vermont Virginia West Virginia Wisconsin	U.S. Postal Service (USPS): USCIS, Attn: TPS Afghanistan, P.O. Box 805282, Chicago, IL 60680–5285. FedEx, UPS, and DHL deliveries: USCIS, Attn: TPS Afghanistan (Box 805282), 131 South Dearborn—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please file online or mail your Form I–765 application to the appropriate mailing address in Table 1. If filing online, please include the fee. If filing by mail, please include the fee or fee waiver request. When you are requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your

application. This will help us verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying (*i.e.*, registering) for TPS on the USCIS website at <https://>

www.uscis.gov/tps under “Afghanistan”.

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must

file Form I-131, Application for Travel Document, available at <https://www.uscis.gov/i-131>. You may file Form I-131 together with your Form I-821 or separately. When filing Form I-131, you must:

- Select Item Number 1.d. in Part 2 on the Form I-131; and
- Submit the fee for Form I-131, or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver.

If you are filing Form I-131 together with Form I-821, send your forms to the

address listed in Table 1. If you are filing Form I-131 separately based on a pending or approved Form I-821, send your form to the address listed in Table 2 and include a copy of Form I-797 for the approved or pending Form I-821.

TABLE 2—MAILING ADDRESSES

If you are . . .	Mail to . . .
Filing Form I-131 together with a Form I-821, Application for Temporary Protected Status	The address provided in Table 1.
Filing Form I-131 based on a pending or approved Form I-821, and you are using the U.S. Postal Service (USPS): You must include a copy of the receipt notice (Form I-797 or I-797C) showing we accepted or approved your Form I-821.	USCIS, Attn: I-131 TPS, P.O. Box 660167, Dallas, TX 75266-0867.
Filing Form I-131 based on a pending or approved Form I-821, and you are using FedEx, UPS, or DHL: You must include a copy of the receipt notice (Form I-797 or I-797C) showing we accepted or approved your Form I-821.	USCIS, Attn: I-131 TPS, 2501 S. State Hwy. 121 Business, Ste. 400, Lewisville, TX 75067.

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at <https://www.uscis.gov/tps>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at <https://www.dhs.gov/publication/dhsuscispia-060-customer-profile-management-service-cpms>.

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at uscis.gov, or visit the USCIS Contact Center at <https://www.uscis.gov/contactcenter>. If your Form I-765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at <https://egov.uscis.gov/e-request/Intro.do> or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

Am I eligible to receive an automatic extension of my current EAD through November 20, 2024, through this Federal Register notice?

Yes. Regardless of your country of birth, provided that you currently have an Afghanistan TPS-based EAD that has the notation A-12 or C-19 under Category and a “Card Expires” date of November 20, 2023, this **Federal Register** notice automatically extends your EAD through November 20, 2024. Although this **Federal Register** notice automatically extends your EAD through November 20, 2024, you must re-register timely for TPS in accordance with the procedures described in this **Federal Register** notice to maintain your TPS and employment authorization.

When hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I-9?

You can find the Lists of Acceptable Documents on Form I-9, Employment Eligibility Verification, as well as the Acceptable Documents web page at <https://www.uscis.gov/i-9-central/acceptable-documents>. Employers must complete Form I-9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I-9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as

described in the Form I-9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I-9 on the I-9 Central web page at <https://www.uscis.gov/I-9Central>. An EAD is an acceptable document under List A. See the section “How do my employer and I complete Form I-9 using my automatically extended EAD for a new job?” of this **Federal Register** notice for further information. If your EAD states A-12 or C-19 under Category and has a “Card Expires” date of November 20, 2023, it has been extended automatically by virtue of this **Federal Register** notice and you may choose to present your EAD to your employer as proof of identity and employment eligibility for Form I-9 through November 20, 2024, unless your TPS has been withdrawn or your request for TPS has been denied. Your country of birth notated on the EAD does not have to reflect the TPS designated country of Afghanistan for you to be eligible for this extension.

What documentation may I present to my employer for Form I-9 if I am already employed but my current TPS-related EAD is set to expire?

Even though we have automatically extended your EAD, your employer is required by law to ask you about your continued employment authorization. Your employer may need to re-examine your automatically extended EAD to check the “Card Expires” date and Category code if your employer did not keep a copy of your EAD when you initially presented it. Once your employer has reviewed the Card Expiration date and Category code, your employer should update the EAD expiration date in Section 2 of Form I-9. See the section “What updates should

my current employer make to Form I-9 if my EAD has been automatically extended?" of this **Federal Register** notice for further information. You may show this **Federal Register** notice to your employer to explain what to do for Form I-9 and to show that USCIS has automatically extended your EAD through November 20, 2024, but you are not required to do so. The last day of the automatic EAD extension is November 20, 2024. Before you start work on November 21, 2024, your employer is required by law to reverify your employment authorization on Form I-9. By that time, you must present any document from List A or any document from List C on Form I-9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I-9 instructions to reverify employment authorization.

Your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through May 20, 2025, then you must file Form I-765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status, proof of my Afghan citizenship, or a Form I-797C showing that I registered for TPS for Form I-9 completion?

No. When completing Form I-9, employers must accept any documentation you choose to present from the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers may not request proof of Afghan citizenship or proof of registration for TPS when completing Form I-9 for new hires or reverifying the employment authorization of current employees. If you present an EAD that USCIS has automatically extended, employers should accept it as a valid List A document so long as the EAD reasonably appears to be genuine and to relate to you. Refer to the "Note to Employees" section of this **Federal Register** notice for important information about your rights if your

employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Form I-9 using my automatically extended EAD for a new job?

When using an automatically extended EAD to complete Form I-9 for a new job before November 21, 2024:

1. For Section 1, you should:
 - a. Check "A noncitizen authorized to work until" and enter November 20, 2024, as the "expiration date"; and
 - b. Enter your USCIS number or A-Number where indicated. (Your EAD or other document from DHS will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix.)
2. For Section 2, employers should:
 - a. Determine if the EAD is auto-extended by ensuring it is in category A-12 or C-19 and has a "Card Expires" date of November 20, 2023;
 - b. Write in the document title;
 - c. Enter the issuing authority;
 - d. Provide the document number; and
 - e. Write November 20, 2024, as the expiration date.

Before the start of work on November 21, 2024, employers must reverify the employee's employment authorization on Form I-9.

What updates should my current employer make to Form I-9 if my EAD has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and USCIS has now automatically extended your EAD, your employer may need to re-examine your current EAD if they do not have a copy of the EAD on file. Your employer should determine if your EAD is automatically extended by ensuring that it contains Category A-12 or C-19 and has a "Card Expires" date of November 20, 2023. Your employer may not rely on the country of birth listed on the card to determine whether you are eligible for this extension.

If your employer determines that USCIS has automatically extended your EAD, your employer should update Section 2 of your previously completed Form I-9 as follows:

1. Write EAD EXT and November 20, 2024, as the last day of the automatic extension in the Additional Information field; and
2. Initial and date the correction.

Note: This is not considered a reverification. Employers do not reverify the

employee until either the automatic extension has ended, or the employee presents a new document to show continued employment authorization, whichever is sooner. By November 21, 2024, when the employee's automatically extended EAD has expired, employers are required by law to reverify the employee's employment authorization on Form I-9.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for a new employee by entering the number from the Document Number field on Form I-9 into the document number field in E-Verify. Employers should enter November 20, 2024, as the expiration date for an EAD that has been extended under this **Federal Register** notice.

If I am an employer enrolled in E-Verify, what do I do when I receive a "Work Authorization Documents Expiring" alert for an automatically extended EAD?

E-Verify automated the verification process for TPS-related EADs that are automatically extended. If you have employees who provided a TPS-related EAD when they first started working for you, you will receive a "Work Authorization Documents Expiring" case alert when the auto-extension period for this EAD is about to expire. Before this employee starts work on November 21, 2024, you must reverify their employment authorization on Form I-9. Employers may not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I-9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800-255-8155 (TTY 800-237-2515).

IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov or get more information online at www.justice.gov/ier.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I-9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I-9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (mismatch) must promptly inform employees of the mismatch and give such employees an opportunity to take action to resolve the mismatch. A mismatch means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a mismatch while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800-

255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at <https://www.justice.gov/ier> and the USCIS and E-Verify websites at <https://www.uscis.gov/i-9-central> and <https://www.e-verify.gov>.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, if you present an automatically extended EAD referenced in this **Federal Register** notice, you do not need to show any other document, such as a Form I-797C, Notice of Action reflecting receipt of a Form I-765 EAD renewal application or this **Federal Register** notice, to prove that you qualify for this extension. While Federal Government agencies must follow the guidelines laid out by the Federal Government, State and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, State, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, or that may be used by DHS to determine if you have TPS or another immigration status. Examples of such documents are:

- Your current EAD with a TPS category code of A-12 or C-19, even if your country of birth noted on the EAD does not reflect the TPS designated country of Afghanistan;
- Your Form I-94, Arrival/Departure Record;
- Your Form I-797, Notice of Action, reflecting approval of your Form I-765; or
- Form I-797 or Form I-797C, Notice of Action, reflecting approval or receipt of a past or current Form I-821, if you received one from USCIS.

Check with the government agency requesting documentation regarding which document(s) the agency will accept. Some state and local government agencies use the SAVE program to confirm the current immigration status of applicants for public benefits.

While SAVE can verify that an individual has TPS, each agency's procedures govern whether they will accept an unexpired EAD, Form I-797, Form I-797C, or Form I-94, Arrival/Departure Record. If an agency accepts the type of TPS-related document you present, such as an EAD, the agency

should accept your automatically extended EAD, regardless of the country of birth listed on the EAD. It may assist the agency if you:

a. Give the agency a copy of the relevant **Federal Register** notice showing the extension of TPS-related documentation in addition to your recent TPS-related document with your A-number, USCIS number, or Form I-94 number;

b. Explain that SAVE will be able to verify the continuation of your TPS using this information; and

c. Ask the agency to initiate a SAVE query with your information and follow through with additional verification steps, if necessary, to get a final SAVE response verifying your TPS.

You can also ask the agency to look for SAVE notices or contact SAVE if they have any questions about your immigration status or automatic extension of TPS-related documentation. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed.

You can check the status of your SAVE verification by using CaseCheck at <https://save.uscis.gov/casecheck/>. CaseCheck is a free service that lets you follow the progress of your SAVE verification case using your date of birth and one immigration identifier number (such as A-number, USCIS number, or Form I-94 number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the SAVE response is correct, the SAVE website, <https://www.uscis.gov/save>, has detailed information on how to make corrections or update your immigration record, make an appointment, or submit a written request to correct records.

[FR Doc. 2023-20791 Filed 9-21-23; 4:15 pm]

BILLING CODE 9111-97-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7070-N-57]

30-Day Notice of Proposed Information Collection: Study of Child Care in Public Housing: PHA and ECE Center Interviews Data Collection, OMB Control No.: 2528-New

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:* October 25, 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: Anna Guido, 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: Anna P. Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email: PaperworkReductionActOffice@hud.gov; telephone (202) 402–5535. 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. Guido.

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 March 10, 2023 at 88 FR 15061.

A. Overview of Information Collection

Title of Information Collection: Study of Child Care in Public Housing: PHA and ECE Center Interviews Data Collection.

OMB Approval Number: 2528–New.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use: The purpose of this proposed information collection is to interview key stakeholders and HUD assisted families to support the Study of Childcare in Public Housing. This is a multi-site study including six Public Housing Authorities (PHAs) in three states.

Individual interviews will be conducted with key stakeholders and PHA residents in each of the six sites.¹ These interviews are key to our understanding of the Early Care and Education (ECE) needs, preferences, and use of families in PHA-owned housing. Furthermore, these interviews will help us better understand the barriers and facilitators to operating co-located PHA and ECE programs.

Stakeholder interviews: Within each site, a key set of stakeholders will be identified through the landscape scan. Key stakeholders will include those involved in the operations of either a PHA, an ECE program, or a co-located ECE program in PHA housing in a given community. Within each site, we anticipate conducting up to 16 stakeholder interviews with a mix of virtual or in-person interviews, depending on the preferences of the stakeholders and local public health guidelines.² Potential stakeholders may include: PHA directors, PHA resident advisory board members, PHA supportive service staff, Head Start grantee directors, Pre-K directors, child care resource and referral centers, state child care subsidy office directors, and state Head Start Collaboration Office directors.

We anticipate conducting semi-structured interviews with key

¹ Interviews with state-level stakeholders will primarily be conducted virtually. Interviews with site-level stakeholders and families will primarily be held in person, depending on public health guidelines at the time of data collection.

² We anticipate one to two interviews per stakeholder group.

stakeholders. Interview questions will address, but not be limited to, the following topics: (1) Whether there is a co-located ECE; (2) If there is a co-located ECE, processes for licensure and quality rating assessments (if applicable); (3) Facilitators and challenges with operating co-located ECE (as applicable); (4) How local ECE policies effect the colocation of ECE and PHAs; (5) How PHAs support families in accessing ECE; (6) Proximity of ECE programs to PHA (e.g., whether the program is in a child care desert or location with many options available); and (7) Characteristics of local ECE programs (e.g., cost, capacity, licensure status, ages served, home- or center-based, and hours of operation).

PHA resident interviews: In-depth interviews are critical to understanding sensitive topics that people might be reluctant to discuss in a group. Given our previous experience with qualitative data collection in various housing programs and contexts, we anticipate that individual interviews will allow us to better understand the specific needs and experiences of families. We plan to work closely with resident advisory boards and key stakeholders in each site to identify the best process for recruiting families to participate in the study. Recruitment strategies will be responsive to local contexts and sensitive to families’ preferences. We anticipate recruiting families with diverse needs and experiences, including variation in child age, employment status, and childcare arrangements. We will work with the resident advisory board, as applicable, to vet interview questions prior to data collection.

We anticipate conducting semi-structured interviews with residents. Interview questions will address, but not be limited to, the following topics: (1) ECE needs, preferences, and use; (2) What families look for in terms of the quality of care; (3) Facilitators and barriers to accessing ECE (e.g., cost, location, etc.); (4) Interest and use of co-located ECE programs; and (5) Support received from PHAs in accessing ECE.

This **Federal Register** Notice provides an opportunity to comment on the data collection instruments and associated materials to be administered to the participants in the Study of Childcare in Public Housing.

Respondents: Public.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Consent Form for Families Living in Public Housing Developments (Appendix B)	108	1	108	0.16	17.28	\$10.62	\$183.51
Constituent Consent Form (Appendix C)	96	1	96	0.16	15.36	43.33	665.55
Interviews with Housing Constituents (Appendix D)	24	1	24	0.83	19.92	43.33	863.13
Interviews with CC&R Administrators (Appendix E)	24	1	24	0.83	19.92	43.33	863.13
Interviews with CCDF State Administrators and HSCO Directors (Appendix F)	24	1	24	0.83	19.92	43.33	863.13
Interviews with Co-Located ECE Program Directors (Appendix G)	24	1	24	0.83	19.92	43.33	863.13
Interviews with Families Living in Public Housing Developments (Appendix H)	108	1	108	0.83	89.64	10.62	951.98
Total					201.96		5,253.57

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 comments in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna P. Guido,

Chief Data Officer, Department Reports Management Office, Office of Policy Development and Research.

[FR Doc. 2023-20717 Filed 9-22-23; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R2-ES-2023-N073;
FXES1113020000-234-FF02ENEH00]

Endangered Wildlife; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by October 25, 2023.

ADDRESSES:

Document availability: Request documents from the contact in the **FOR FURTHER INFORMATION CONTACT** section.

Comment submission: Submit comments by email to fw2_te_permits@fws.gov. Please specify the permit application you are interested in by number (*e.g.*, Permit Record No. PER1234567).

FOR FURTHER INFORMATION CONTACT:

Marty Tuegel, Supervisor, Environmental Review Division, by phone at 505-248-6651, or via email at marty_tuegel@fws.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:

Background

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies

and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency

decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER2682699	Grouse Mountain Environmental Consultants, LLC.; Buffalo, Wyoming.	Lesser prairie chicken (<i>Tympanuchus pallidicinctus</i>).	Colorado, Kansas, New Mexico, Oklahoma, Texas.	Presence/absence surveys, lek surveys.	Harass, harm ...	Amend.
PER2691439	Zara Environmental, LLC.; Manchaca, Texas.	Golden-cheeked warbler (<i>Setophaga chrysoparia</i>), Comanche Springs pupfish (<i>Cyprinodon elegans</i>), Pecos gambusia (<i>Gambusia nobilis</i>), Mexican blindcat (<i>Prietella phreatophila</i>), fountain darter (<i>Etheostoma fonticola</i>), San Marcos gambusia (<i>Gambusia georgei</i>), small-eye shiner (<i>Notropis buccula</i>), sharpnose shiner (<i>Notropis oxyrinchus</i>), Barton Springs salamander (<i>Eurycea sosorum</i>), Austin blind salamander (<i>Eurycea waterlooensis</i>), Texas blind salamander (<i>Eurycea rathbuni</i>), Comal Springs riffle beetle (<i>Heterelmis comalensis</i>), Comal Springs dryopid beetle (<i>Stygoparnus comalensis</i>), Peck's cave amphipod (<i>Stygobromus pecki</i>), Bee Creek Cave harvestman (<i>Texella reddelli</i>), Bone Cave harvestman (<i>Texella reyesi</i>), Cokendolpher Cave harvestman (<i>Texella cokendolpheri</i>), Government Canyon Bat Cave meshweaver (<i>Cicurina vespera</i>), Government Canyon Bat Cave spider (<i>Tayshaneta microps</i>), Madla Cave meshweaver (<i>Cicurina madla</i>), Robber Baron Cave meshweaver (<i>Cicurina baronia</i>), Tooth Cave pseudoscorpion (<i>Tartarocreagriss texana</i>), Tooth Cave spider (<i>Tayshaneta myopica</i>), Beetle (<i>Rhadine infernalis</i>), Beetle (<i>Rhadine exilis</i>), Coffin Cave mold beetle (<i>Batrissodes texanus</i>), Helotes mold beetle (<i>Batrissodes venyivi</i>), Kretschmarr Cave mold beetle (<i>Texamaurops reddelli</i>), Tooth Cave ground beetle (<i>Rhadine persephone</i>), phantom tryonia (<i>Tryonia cheatumi</i>), phantom springsnail (<i>Pyrgulopsis texana</i>), diminutive amphipod (<i>Gammarus hyalleloides</i>), Texas hornshell (<i>Popenaias popeii</i>), Ouachita rock pocketbook (<i>Arcidens wheeleri</i>), scaleshell (<i>Leptodea leptodon</i>), winged mapleleaf (<i>Quadrula fragosa</i>).	Oklahoma, Texas.	Presence/absence surveys, habitat assessments, voucher specimen collection, collection, biomonitoring.	Harass, harm, kill.	Renew/Amend.
PER0052843	Pernicano, Martina; Golden, Colorado.	Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>).	Arizona, California, Colorado, New Mexico, Nevada, Utah, Texas.	Presence/absence surveys.	Harass, harm ...	Renew/Amend.
PER3012383	Nueces County Coastal Parks; Corpus Christi, Texas.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>), hawksbill sea turtle (<i>Eretmochelys imbricata</i>), leatherback sea turtle (<i>Dermodochelys coriacea</i>).	Texas	Document, examine, and salvage stranded sea turtles; capture/handle, transport, and release rehabilitated sea turtles; tissue/blood sample collection; educational display.	Harass, harm, capture, collect.	New.
PER2756918	Courage, Susan; San Antonio, Texas.	Golden-cheeked warbler (<i>Setophaga chrysoparia</i>).	Texas	Presence/absence surveys, habitat assessments.	Harass, harm ...	Renew.
PER3111685	Boeing, Wiebke; Las Cruces, New Mexico.	Pecos assiminea (<i>Assiminea pecos</i>)	New Mexico	Salvage relic shells.	Collect	Amend.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER3115282	Karraker, Nancy; Kingston, Rhode Island.	Jemez Mountains salamander (<i>Plethodon neomexicanus</i>).	New Mexico	Presence/absence surveys, capture, handle, bio-sample, and release.	Harass, harm, capture.	Renew.
PER3856727	City of Austin—Watershed Protection Department; Austin, Texas.	Barton Springs salamander (<i>Eurycea sosorum</i>), Austin blind salamander (<i>Eurycea waterloensis</i>), Tooth Cave spider (<i>Tayshaneta myopica</i>), Tooth Cave pseudoscorpion (<i>Tartarocreagris texana</i>), Bee Creek Cave harvestman (<i>Texella reddelli</i>), Kretschmarr Cave mold beetle (<i>Texamaurops reddelli</i>), Tooth Cave ground beetle (<i>Rhadine persephone</i>), Bone Cave harvestman (<i>Texella reyes</i>), Coffin Cave mold beetle (<i>Batrisodes texanus</i>), ground beetle (<i>Rhadine exilis</i>), ground beetle (<i>Rhadine infernalis</i>), Helotes mold beetle (<i>Batrisodes venyivi</i>), Cokendolpher Cave harvestman (<i>Texella cokendolpheri</i>), Robber Baron Cave meshweaver (<i>Cicurina baronia</i>), Madla Cave meshweaver (<i>Cicurina madla</i>), Government Canyon Bat Cave meshweaver (<i>Cicurina vespera</i>), Government Canyon Bat Cave spider (<i>Neoleptoneta microps</i>).	Texas	Presence/absence surveys, handling, capture, voucher specimen collection.	Harass, harm, kill, capture.	Renew.
PER3324977	Savarino, Patrick; Dripping Springs, Texas.	Lesser prairie chicken (<i>Tympanuchus pallidicinctus</i>).	Colorado, Kansas, New Mexico, Oklahoma, Texas.	Presence/absence surveys, habitat assessments.	Harass, harm ...	New.
PER4208629	Turtles Fly Too; Boise, Idaho.	Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>); leatherback sea turtle (<i>Dermodochelys coriacea</i>); Olive ridley sea turtle (<i>Lepidochelys olivacea</i>); hawksbill sea turtle (<i>Eretmochelys imbricata</i>).	Arizona, New Mexico, Oklahoma, Texas.	Transport	Harass, harm ...	New.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Amy Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2023–20614 Filed 9–22–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–NWRS–2023–0135; FF09M21200–234–FXMB1231099BPP0; OMB Control Number 1018–0193]

Agency Information Collection Activities; U.S. Fish and Wildlife Service Agreements With Friends Organizations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before November 24, 2023.

ADDRESSES: Send your comments on the information collection request (ICR) by one of the following methods (please reference 1018–0193 in the subject line of your comments):

- **Internet (preferred):** <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–HQ–NWRS–2023–0135.

- **U.S. mail:** Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at InfoColl@fws.gov, or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information

collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The U.S. Fish and Wildlife Service (Service) enters into agreements and partnerships with nonprofit Friends groups to facilitate and formalize collaboration between the parties in support of mutual goals and objectives as authorized by:

(1) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j);

(2) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–ee), as amended;

(3) The Refuge Recreation Act of 1962 (16 U.S.C. 460k *et seq.*), as amended;

(4) The Anadromous Fish Conservation Act (16 U.S.C. 757a–757g), as amended;

(5) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661–667e), as amended;

(6) The National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f), as amended; and

(7) The National Fish Hatchery System Volunteer Act of 2006 (16 U.S.C. 760aa), as amended.

In September 2020, the Office of Inspector General (OIG) at the Department of the Interior (DOI) delivered its final audit report of the Service's Friends Program. The audit outlined six recommendations, including a requirement for Friends group to report related data to the Service on a regular basis. In order to collect this information legally, we must complete the Information Collection Clearance process. The Service addressed and completed all audit recommendations and commitments (other than completion of the Information Collection Clearance process). For example, the Service amended and reissued agency policies (Service Manual chapters 633 FW 1, 633 FW 2, 633 FW 3, and 633 FW 4, available at <https://www.fws.gov/program/policy-regulations/library>) which guide the program. We also trained Service staff and Friends on the new policies.

The Service uses the information collected to establish efficient and effective partnerships and working relationships with nonprofit Friends organizations. The agreements provide a method for the Service to legally accept donations of funds and other contributions by people and organizations through partnerships with nonprofit (and non-Federal) Friends organizations. The partnership agreements identify roles and responsibilities and identify mutual projects over the term of the agreement. Quarterly reviews provide an opportunity to update contact and financial information. Annual reporting documents contributions to the Service.

The Service utilizes a standardized agreement which describes the substantial involvement of both parties in mutually agreed-upon activities and ensures that both parties have a mutual understanding of their respective roles, responsibilities, rights, expectations, and requirements within the

partnership. The agreement, pre-approved by the Department of the Interior (DOI) Office of the Solicitor, provides the suggested language common to most Service Friends partnerships. The content is based on DOI and Service policies, but the Friends and Service sites/programs may thoughtfully add and delete certain language to meet their varying partnership roles and responsibilities wherever Department and Service policies do not dictate otherwise. We also use a supplemental partnership agreement for use of Service property, which provides additional terms and responsibilities beyond the general terms of the partnership agreement and is required only for those Friends groups that use Service land, facilities, or equipment.

The partnership agreement and supplemental agreement are effective for 5 years, with four annual modification options during the 5-year period of performance. Each time the agreement is up for its 5-year renewal, the Refuge or Fish Hatchery Project Leader and the Friends President or Board will meet to review, modify, and sign the agreement as described above. To become effective, the Regional Director (or designee) must review, approve, and sign a new agreement every 5 years.

The Service collects the information listed below in conjunction with the administration of the Friends Program to verify compliance with agency policy and to allow the Service to gauge the impact of the program as a whole. All information collected will be kept in a secure manner by the Service and will not be shared except as an aggregate report. If the Service wishes to share specific details to illustrate the strength of the Friends program, individual groups will be asked for their permission to do so.

In addition to the partnership agreement and supplemental agreement, and subsequent renewals of the agreements, the Service collects the following information in conjunction with the administration of the Friends Program:

- Basic program information documentation, to include documents such as IRS determination letters recognizing an organization as tax exempt, submission of IRS Form 990-forms, bylaws, articles of incorporation, etc.;
- Internal financial control documentation for the organization;
- Recordkeeping requirements documenting accountability for donations and expenditures;
- Assurance documentation that donations, revenues, and expenditures

benefit the applicable refuge or hatchery;

- Annual performance reporting (donations, revenues, and expenditures) and number of memberships (if applicable);

- Additional information that may be included as part of quarterly, annual, and in-depth program reviews; and
- Information related to fundraising agreements for activities described in 212 FW 8.

Over the life of this clearance, the Service plans to develop a digital platform and process to collect information directly from Friends groups. Until that occurs, Friends groups will submit information through form and non-form responses.

Proposed Revisions to This Information Collection

With this submission, we are proposing the following revisions to the existing information collection:

1. *(New) National Friends Program: Friends Academy Application (Form 3-TBD)*—The Service uses the Friends Academy Application form with the Friends Academy, an advanced training program for board members and staff of Friends organizations who are beyond the formative stages of development. The overarching purpose of the Academy is to cultivate emerging Friends leaders by providing a broader understanding of the Service and enhancing skills to increase the effectiveness of Friends/Service partnerships.

This program is exclusively offered to Friends board members and staff who have been serving for at least 1 year. In addition, people who have at least 2 years of involvement as Friends members or volunteers may be considered. People eligible for the program fall into two application pools—Service staff or other Friends may nominate a Friend, or a Friend may self-nominate. These application forms will be completed and submitted directly to the National Friends Coordinator specified in the “Application Submission Instructions” section.

- Part I (Region and Application Type) of each application simply gathers the servicing USFWS regional office and specifies the type of nomination (Self-nomination or Staff

nominating a Friend) that dictates which sections will be filled out.

- Part II (Self-Nomination) and Part III (Nominating a Friend) both gather basic information to identify the nominee (name, address, phone number, email address) and specify the nominee’s baseline credentials for gaining entry to the Academy program (Friends organization affiliation, years of affiliation, Service programs supported, volunteer history, board position, committees served). In addition, these sections also solicit professional information that helps the Academy’s selection personnel evaluate the nominee’s merits as a candidate. Each of these parts gather identical information regarding the nominee.

- Part IV (Required Service Site or Program Manager Endorsement and Signature) requires gathering endorsements and signatures from both the nominee’s Service Site Program Manager and from a member of the nominee’s Friends Organization.

- Part V (Required Service Site or Program Manager Endorsement and Signature Continued) compiles the signatures of all the individuals involved in preparing the application: self-applicant or nominating official, project leader or manager, and Friends Organization representative.

2. *(New) National Friends Program Mentor Application (Form 3-TBD)*—The National Friends Mentoring Program is open to both Service staff and members of the public (e.g., retired Service Employees, Friends members). Applicants volunteer to serve in a cadre of trained mentor professionals. These professionals use the National Friends Program Mentor Application form to apply to enter into mentoring relationships with current Friends groups who request this service. The mentor relationship typically lasts for one full year and involves an on-site visit to the Friends group and Service site which the Friends group supports in an official capacity (i.e., has a Friends Partnership Agreement). The Service generally issues a call for mentor applications every 3 to 5 years, at most.

3. *(New) Mentoring Visit Form (Form 3-TBD)*—Friends groups use the Mentoring Visit Form to request a mentor visit. The form is completed by the Friends group, but the Service staff at the field station which the Friends

support must be consulted and must sign the form before it is submitted to Service headquarters.

4. *(New) Internal Financial Control Documentation (Forms 990-N or Postcard Filers)*—About 80 percent of the Service’s Friends groups are very small, with annual gross receipts totaling \$50,000 or less. This means that they do not file a 990 or 990-EZ (the Internal Revenue Service (IRS) forms on which organizations must declare all donations and revenues). Rather, these smaller groups, which represent most of our partners, are only required to file the 990-N, or “e-Postcard.” The 990-N or e-Postcard simply asks for confirmation that the organization has annual gross receipts totaling \$50,000 or less. Collection of this information, per the Office of Inspector General audit, from Friends groups filing the 990-N or e-Postcard is not duplicative of what the IRS requires from 80 percent of our Friends groups, nor is it publicly available information on the IRS website. Therefore, we need to request this information on our Annual Report (for only those small entities filing the 990-N or e-Postcard).

5. *(Revised) Internal Financial Control Documentation (Forms 990 or 990-EZ Filers)*—We reduced the number of respondents specific to this requirement to reflect only those Friends groups that file Forms 990 or 990-EZ. Tax information for this collection will be retrieved by Service members from information published on the IRS website and not requested from Friends groups.

Title of Collection: U.S. Fish and Wildlife Service Agreements with Friends Organizations.

OMB Control Number: 1018-0193.

Form Numbers: To be determined.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals/households; private sector; and State, local, and Tribal governments.

Respondent’s Obligation: Required to obtain or retain a benefit for monitoring and annual reports and voluntary for surveys.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response	Estimated annual burden hours *
Partnership Agreement					
Reporting	50	50	50	35	1,750
Recordkeeping				5	250
Renewal of Partnership Agreement					
Reporting	150	1	150	5.5	825
Recordkeeping				2.5	375
Supplemental Agreement					
Reporting	50	1	50	3	150
Recordkeeping				1	50
Renewal of Supplemental Agreement					
Reporting	150	1	150	1.5	225
Recordkeeping				0.5	75
Fundraising Agreement					
Reporting	30	1	30	10	300
Recordkeeping				10	300
Internal Financial Control Documentation (Forms 990 or 990-EZ Filers) (REVISED)					
Reporting	40	1	40	15	600
Recordkeeping				15	600
Internal Financial Control Documentation (Forms 990-N or Postcard Filers) (NEW)					
Reporting	160	1	160	15	2,400
Recordkeeping				15	2,400
Assurance Documentation					
Reporting	200	1	200	20	4,000
Recordkeeping				20	4,000
Supplemental Documentation Requirements: Quarterly Review					
Reporting	200	4	800	1.5	1,200
Recordkeeping				0.5	400
Supplemental Documentation Requirements: Annual Review					
Reporting	10	1	10	2.5	25
Recordkeeping				17.5	175
National Friends Program: 2022 Friends Academy Application (Form 3-TBD) (NEW)					
Reporting	30	1	30	2	60
National Friends Program: 2022 Mentoring Application (Form 3-TBD) (NEW)					
Reporting	8	1	8	10	80
National Friends Program: 2020 Friends Mentor Application (Form 3-TBD) (NEW)					
Reporting	15	1	15	3	45
Totals	1,093		1,693		20,285

* Rounded.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2023–20710 Filed 9–22–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2023–N068;
FXIA167109CWT01/234/FF09A40000; OMB
Control Number 1018–New]

Agency Information Collection Activities; Submission to the Office of Management and Budget; CITES Master's Course

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of information collection;
request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing a new information collection in use without Office of Management and Budget (OMB) approval.

DATES: Interested persons are invited to submit comments on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of publication of this notice at <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to Info_Coll@fws.gov. Please reference “1018–CITES” in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT:

Madonna L. Baucum, Service Information Collection Clearance Officer, by email at Info_Coll@fws.gov, or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have

a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

On February 14, 2023, we published in the **Federal Register** (88 FR 9533) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 17, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the **Federal Register** notice on [Regulations.gov](https://www.regulations.gov) (Docket No. FWS–HQ–IA–2022–0142) to provide the public with an additional method to submit comments (in addition to the typical *Info Coll@fws.gov* email and U.S. mail submission methods). We received two comments in response to that notice. However, neither comment addressed the information collection requirements, so no response is required.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Wildlife trafficking ranks as the second greatest threat to species survival after habitat destruction. The United States recognizes wildlife trafficking as a serious transnational crime that threatens thousands of plant and animal species and undermines U.S. priorities, including national security, human health, and economic growth. The Service employs a science-based approach to counter wildlife trafficking, including through the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is the sole global treaty dedicated to preventing the unsustainable trade in plants and animals and is an essential component to counter illegal wildlife trade as it provides mechanisms and incentives to effectively manage natural resources. The United States has been a Party to CITES since 1973. Under the Endangered Species Act, the Service has been designated to carry out the provisions of CITES for the United States.

As one of the largest and oldest environmental treaties in the world, CITES is a key conservation tool for the protection of 35,000 plant and animal species. Currently 183 countries have agreed to implement CITES. However, realizing the full conservation impact of CITES remains challenging and is highly dependent on each country's financial and technical capacity. Even when a Party has the political will and desire to implement CITES, it may not have the resources, systems, or personnel to effectively follow CITES' mandates, such as evaluating permit

applications or enforcing laws. This creates inequity between countries in how CITES is implemented, with serious downstream impacts such as the degradation of wild populations and ecosystems, often resulting in negative implications for communities living among wildlife.

To help develop the technical expertise necessary to effectively implement CITES, the International University of Andalucía (UNIA) offers a unique master's degree program entitled "The Management and Conservation of Species in Trade: The International Framework" (also known as the "CITES Master's Course"). The program, which was established in 1997, provides high-quality training focused on the scientific foundations, techniques, and mechanisms of CITES implementation. Approximately 400 students have graduated from the program, many becoming leaders in CITES and global policy.

Recognizing the important potential offered through UNIA's CITES Master's Course, the Service provides scholarships to support wildlife professionals interested in furthering their CITES expertise by participating in the course, with a focus on potential participants from countries most vulnerable to illegal and unsustainable wildlife trade. The competitive scholarships cover costs for tuition, lodging, and supplies, provide an opportunity for the scholars to participate in the CITES Conference of the Parties, and offer technical and financial research support.

The Service collaborates with the Department of Interior's International Technical Assistance Program (DOI-ITAP) through an interagency agreement to manage the numerous logistics associated with the scholarships. Scholarships support cohorts of students from Latin America, the Caribbean, and Central and East Africa. The Service and DOI-ITAP staff solicit recommendations from relevant CITES authorities, nongovernmental organizations (NGOs), and U.S. Government agencies working in those countries to select top candidates for the scholarships. Recommendations are provided through direct communication with project leads, most often via email. Project leads review application packages submitted by candidates for the program.

We choose candidates based on certain criteria, such as the quality of their applications, their present or future contribution to their countries'

CITES work, and their demonstration of a lasting commitment to wildlife conservation and CITES implementation. Selected candidates then follow a separate application process for acceptance into the International University of Andalucía CITES Master's Course. Although scholarship activities aid the candidates to assemble and submit application materials to the University, the U.S. Government does not influence who is accepted into the graduate program.

Prospective students must complete the "Universidad Internacional de Andalucía (UNIA) Application and/or Enrollment Form" and submit it to the Service for consideration. The UNIA application/enrollment form collects the following information from prospective students:

- Trainee information, to include:
 - Full name,
 - Passport number,
 - Date and place of birth,
 - Nationality,
 - Sex,
 - Phone number(s),
 - Email address, and
 - Mailing Address
- Qualifications and professional background:
 - Education information, to include level of education, degree/certificate information, school, and studies undertaken, and
 - Employment information, to include professional status, name of employer, and job title.
- Enrollment information and type of enrollment for the requested course.
 - Payment information.
 - Supplemental documents to be attached to application:
 - Photocopy of passport,
 - Payment receipt, and
 - Program-specific documents.

We ask the scholars accepted into the master's program to assist in project monitoring and evaluation by responding to periodic assessment surveys throughout the course of their 1-year graduate experience so that project officers can gauge the impact and effectiveness of the training. After graduating, the scholars are requested to fill out an assessment to further our understanding of the course's overall impact. We also ask students to help develop communication and outreach materials to share the impacts of the scholarships with partners and the public. The pre- and post-training assessments collect the following information:

- Trainee information, to include:
 - Name,
 - Gender,
 - Age range,
 - Institution represented,
 - Job title/position,
 - Contact information, such as their complete mailing address, phone numbers, and email address, and
 - Country.
 - Trainee's assessment of training—Questions provide participants an opportunity to offer feedback on their training to help inform how we can improve project activities and goals.
 - Potential effect of training on the trainee's job—Questions provide an opportunity for participants to share how the technical training provided through the scholarships may open professional opportunities.
 - Knowledge of biodiversity and CITES—Questions are designed to measure the impact of training by quantifying changes in each participant's knowledge of biodiversity and CITES between pre- and post-training assessments.
 - Capacity to apply knowledge on biodiversity and CITES—Questions are designed to measure the impact of training by quantifying changes in knowledge between pre- and post-training assessments.
- The Service will use the information collected to ensure project activities are meeting high project standards and are achieving intended outcomes. In addition, information collected for project outreach and communication will be used to inform the public on project outcomes and to garner interest in future scholarship opportunities.
- The public may request copies of the application form contained in this information collection by sending a request to the Service Information Collection Clearance Officer in **ADDRESSES**, above.
- Title of Collection:* CITES Master's Course.
- OMB Control Number:* 1018–New.
- Form Number:* None.
- Type of Review:* Existing information collection in use without OMB approval.
- Respondents/Affected Public:* Program participants from foreign public sector and foreign government entities.
- Respondent's Obligation:* Required to obtain or retain a benefit.
- Frequency of Collection:* Annually.
- Total Estimated Annual Nonhour Burden Cost:* None.

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response	Estimated annual burden hours*
Nomination/Application					
Private Sector	3	1	3	1 hour	3
Government	30	1	30	1 hour	30
Pre-Assessment Questionnaire					
Private Sector	1	1	1	20 minutes	0
Government	14	1	14	20 minutes	5
Post-Assessment Questionnaire					
Private Sector	1	1	1	20 minutes	0
Government	14	1	14	20 minutes	5
Totals	63	.....	63	.....	43

* Rounded.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2023–20709 Filed 9–22–23; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[234.LLHQ220000.L1020000.PK0000; OMB Control Number 1004–0041]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Authorizing Grazing Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for this information collection request (ICR) should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

“Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jessica Phillips by email at jmphilips@blm.gov, or by telephone at 406–490–5654. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 13, 2023 (88 FR 38530). No comments were received in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is especially interested

in public comment addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be 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.

Abstract: The Taylor Grazing Act of 1934 (43 U.S.C. 315) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) authorize the Bureau of Land Management (BLM) to administer the livestock grazing program consistent with land use plans, multiple use objectives, sustained yield, environmental values, economic considerations, and other factors.

Maintaining accurate records of permittee and lessee qualifications for a grazing permit or lease, base property used in conjunction with public lands, and the actual use made by livestock authorized to graze on the public lands, is an important and integral part of the program administration and grazing management. The regulations at 43 CFR 4110.1 and 43 CFR 4110.2 require application and notice to the BLM to transfer grazing preference and to apply for a permit or lease in conjunction with a preference transfer. The regulations at 43 CFR 4130.1 require existing permittees and lessees to apply to the BLM for changes in their authorized grazing. The regulations at 43 CFR 4130.3–2(d) allow the BLM to require permittees or lessees operating under a grazing permit or lease to submit an actual grazing use report within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease. The regulations at 43 CFR 4130.6–1 allow BLM to enter into “exchange-of-use” agreements with applicants who own or control lands that are unfenced and intermingled with public lands within an allotment. The BLM requires applicants, permittees, and lessees to submit the required information on Forms 4130–1, 4130–1a, 4130–1b, 4130–3a, 4130–4, and 4130–5. This OMB Control Number is currently scheduled to expire on April 30, 2024. The BLM request that OMB renew this OMB Control Number for an additional three (3) years.

Title of Collection: Authorizing Grazing Use (43 CFR subparts 4110 and 4130).

OMB Control Number: 1004–0041.

Form Numbers: 4130–1, 4130–1a, 4130–1b, 4130–3a, 4130–4, and 4130–5.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Any U.S. citizen or validly licensed business may apply for a BLM grazing permit or lease. The BLM administers nearly 18,000 permits and leases for grazing domestic livestock, at least part of the year on public lands.

Total Estimated Number of Annual Respondents: 18,010.

Total Estimated Number of Annual Responses: 33,810.

Estimated Completion Time per Response: Varies from 10 to 35 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 7,855.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: \$30,000.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2023–20712 Filed 9–22–23; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–OIA–DTS–36352;
PPWODIREIO–PIN00IO15.XI0000]

U.S. Nomination to the World Heritage List: Okefenokee National Wildlife Refuge

AGENCY: National Park Service, Interior
ACTION: Notice.

SUMMARY: This notice announces the decision to request that the Okefenokee National Wildlife Refuge in Georgia prepare a draft nomination for inclusion on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List. The decision is the result of consultation with the Federal Interagency Panel for World Heritage and the review of public comments submitted in response to an earlier notice. This notice complies with applicable World Heritage Program regulations.

ADDRESSES: To request paper copies of documents discussed in this notice, contact April Brooks, Office of International Affairs, National Park Service, 1849 C St. NW, Room 2415, Washington, DC 20240, (202) 354–1808, or sending electronic mail (Email) to: april_brooks@nps.gov.

FOR FURTHER INFORMATION CONTACT: Jonathan Putnam, 202–354–1809. Information on the U.S. World Heritage program can be found at: <https://www.nps.gov/subjects/internationalcooperation/worldheritage.htm>.

SUPPLEMENTARY INFORMATION:

Background

The World Heritage List is an international list of cultural and natural properties nominated by the signatories to the World Heritage Convention (1972). The United States was the prime architect of the Convention, an international treaty for preservation of natural and cultural heritage sites of

global significance. The World Heritage Committee, composed of representatives of 21 nations periodically elected as the governing body of the World Heritage Convention, makes the final decisions on which nominations to accept on the World Heritage List. There are 1,157 sites in 167 countries. Currently there are 24 World Heritage Sites in the United States. U.S. participation and the roles of the Department of the Interior (Department) and the National Park Service (NPS) are authorized by title IV of the Historic Preservation Act Amendments of 1980 and conducted in accordance with 36 CFR 73—World Heritage Convention. Each State Party to the Convention maintains a Tentative List, periodically updated, of properties that are considered suitable for nomination. Only properties on the Tentative List are eligible to officially prepare nominations that the Department may consider for submission. Okefenokee National Wildlife Refuge has been included on the U.S. Tentative List since 1982. Neither inclusion in the list nor inscription as a World Heritage Site imposes legal restrictions on owners or neighbors of sites, nor does it give the United Nations any management authority or ownership rights in U.S. World Heritage Sites, which continue to be subject only to U.S. law.

The Assistant Secretary for Fish and Wildlife and Parks (Assistant Secretary) initiates the process to nominate U.S. sites to the World Heritage List by publishing a notice in the **Federal Register** seeking public comment on which properties on the U.S. Tentative List should be nominated next by the United States. The first notice (88 FR 37270, as required by 36 CFR 73.7(c)) was published on June 7, 2023. Following the publication of the first notice, the Assistant Secretary consults the Federal Interagency Panel for World Heritage to review the public comments submitted and make a recommendation. If the Panel recommends that a property be nominated and the recommendation is accepted by the Assistant Secretary, a second notice is issued. This is the second notice as required by 36 CFR 73.7(f) on the proposed nomination. The Panel assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary.

Decision To Request the Preparation of a New U.S. World Heritage Nomination

The Department received over 10,300 comments in response to the first notice, many of them regarding Okefenokee

National Wildlife Refuge, all of which were expressions of support from the property owners, elected representatives at local, state, and Federal levels, individuals, institutions, and museums. There were no comments against nominating any property, including this site. Additional comments supported the nomination of other sites, in particular sites associated with Civil Rights Movement history.

The Department considered all comments received as well as the advice of the Federal Interagency Panel for World Heritage.

The Department has selected the Okefenokee National Wildlife Refuge as a proposed U.S. nomination to the World Heritage List. With the assistance of the Department, including the completion of appropriate consultation with Native American Tribal governments, the U.S. Fish and Wildlife Service, along with supporting organizations, is encouraged to develop a complete nomination, in accordance with 36 CFR part 73 and the nomination format required by the World Heritage Committee.

Okefenokee National Wildlife Refuge, Georgia, consists of more than 400,000 acres embracing 92% of the Okefenokee Swamp, a large hydrologically intact swamp that is the source of two rivers, one that flows into the Atlantic and the other into the Gulf of Mexico. The Refuge also has extensive and essentially undisturbed peat deposits.

Okefenokee is one of the world's largest naturally driven freshwater ecosystems with a diversity of habitat types, including 21 vegetative types. The Refuge's fauna is also renowned worldwide for its diversity of amphibians and reptiles, mammals, birds, fishes, and invertebrates and perhaps as many as 1,000 species of moths. Unlike many other significant wetland areas, the swamp is the source of rivers rather than their recipient, as in a delta, and therefore is generally unaffected by most disturbances to natural hydrology and water flow. The Refuge's undisturbed peat beds store valuable information on environmental conditions over the past 5,000 years and are a significant source of information related to global changes.

Next Steps

A draft World Heritage nomination for Okefenokee National Wildlife Refuge may now be prepared, in consultation with the National Park Service's Office of International Affairs. The NPS will coordinate the review and evaluation of the draft nomination to ensure it meets the requirements of 36 CFR 73, and will cooperate with the U.S. Fish and

Wildlife Service and other partners. Following NPS review of a complete draft nomination, the Department may submit it to the World Heritage Centre for technical review by September 30 of any year. The Centre will then provide comments by November 15 of that year. The Federal Interagency Panel for World Heritage will review a draft nomination following receipt of the Centre's comments and recommend to the Department whether the nomination should be formally submitted for consideration by the World Heritage Committee. Submittal to the World Heritage Centre by the Department through the Department of State can be made by February 1 of any year (prior to 2026, at which time a new procedure of the World Heritage Committee will take effect); the World Heritage Committee would then consider the nomination at its annual meeting in the summer of the following year, after an evaluation by an official Advisory Body to the Committee.

Authority: 54 U.S.C. 307101; 36 CFR part 73.

Shannon A. Estenoz,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2023-20719 Filed 9-22-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-DTS#-36510;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 26, 2023, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by October 10, 2023.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line "Public Comment on <property or proposed district name, (County) Statetg:." If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov*, 202-913-3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 26, 2023. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers
Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

IOWA

Woodbury County

Dick's Diner, 723 West 7th St., Sioux City, SG100009407

KANSAS

Bourbon County

A.B. Paine Photo Supply Co., 523 South Main St., Fort Scott, SG100009415

Cowley County

Spring Creek Stone Arch Bridge (Masonry Arch Bridges of Kansas TR), Located in West Creswell Township, 2.5 mi. west of Arkansas City on 262nd Rd., Arkansas City vicinity, MP100009416

Douglas County

Sowers-Crawford Farms Historic District (Agriculture-Related Resources of Kansas MPS), 624 and 646 North 100 Rd., Overbrook vicinity, MP100009424

Finney County

The J.H. Stevens-C.L. Thompson Block Historic District, 401-409 North Main, Garden City, SG100009417

Trego County

Keraus Hardware Store, 121 North Main St., WaKeeney, SG100009418

Wyandotte County

Immanuel Baptist Church, 1335 Quindaro Blvd., Kansas City, SG100009419

Vernon School (Public Schools of Kansas MPS), 3436 North 27th St. or 2700 Sewell Ave., Kansas City, MP100009420

LOUISIANA

Caddo Parish

Mooringsport Masonic Lodge, 144 West Croom St., Mooringsport, SG100009426

Lafayette Parish

St. John's Cathedral (Boundary Increase), 914 St. John St., Lafayette, BC100009428

Orleans Parish

Canal Ford (Non-Residential Mid-Century Modern Architecture in New Orleans MPS), 1661 Canal St., New Orleans, MP100009422

Castle Family House, 917-919 North Tonti St., New Orleans, SG100009427

NEW HAMPSHIRE

Rockingham County

Scammon Farm Historic District, 21-25 River Rd. and off River Rd., Stratham, SG100009402

OKLAHOMA

Garfield County

Bank of Drummond, 402 Main St., Drummond, SG100009399

Rogers County

Will Rogers Memorial Library, 121 North Weenonah Ave., Claremore, SG100009400

SOUTH CAROLINA

Berkeley County

Maude Callen Clinic, 2669 SC 45, Pineville, SG100009408

TEXAS

Harris County

Moncrief-Lenoir Manufacturing Company, 2103 Lyons Ave., Houston, SG100009405

Howard County

Big Spring Hospital, 810 Goliad St., Big Spring, SG100009404

Tom Green County

Twin Mountain Fence Company, 7513 South US 67, San Angelo vicinity, SG100009406

Wilbarger County

Plaza Theater, 1701-1717 Cumberland St., Vernon, SG100009409

WISCONSIN

Door County

BOAZ (schooner) Shipwreck (Great Lakes Shipwreck Sites of Wisconsin MPS), 0.5 mi. southeast of the entrance of North Bay, Door County in Lake Michigan, Liberty Grove vicinity, MP100009414

A request for removal has been made for the following resources:

ALABAMA

Calhoun County

Fort McClellan World War II Housing Historic District, Breman Rd., Bachelor Dr.,

Iron Mountain Rd., Micron Wy., Anniston, OT06000984

UTAH

Utah County

Skinner, Alfred and Rosy, House (Orem, Utah MPS), 232 W. 800 S., Orem, OT98000662

Additional documentation has been received for the following resource:

MASSACHUSETTS

Berkshire County

Main Street Historic District (Additional Documentation), 1-57 Main St., 1-2 Pine St., 2 Sergeant St., Stockbridge, AD01001466

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

ARKANSAS

Newton County

Valley Y Ranch, North of the jct. of AR 74 and Steel Creek Rd., Ponca vicinity, SG100009410

MISSOURI

Greene County

Wilson's Creek National Battlefield (Boundary Increase), 6424 West Farm Rd. 182, Republic vicinity, BC100009403

NEVADA

White Pine County

Dunkahni Archeological District, Address Restricted, Baker vicinity, SG100009411

Authority: Section 60.13 of 36 CFR part 60.

Dated: August 31, 2023.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2023-20718 Filed 9-22-23; 8:45 am]

BILLING CODE 4312-52-P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a closed teleconference meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on October 27, 2023, from 10:00 a.m. to 5:00 p.m. (EDT).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, at (202) 317-3648 or elizabeth.j.vanosten@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will hold a teleconference meeting on October 27, 2023, from 10:00 a.m. to 5:00 p.m. (EDT). The meeting will be closed to the public.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. 1009, that the subject of the meeting falls within the exception to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: September 19, 2023.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2023-20610 Filed 9-22-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; Recruitment Outreach Data Collection

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 24, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public

burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, contact: Vaughn Smith, either by mail at ATF Human Resource Personnel Division, Room 2.E.-301, 99 New York Ave. NE, Washington, DC 20226, by email at Vaughn.Smith@atf.gov, or telephone at (202) 648-7208.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: The collection of this data ensures ATF recruiters can follow-up with potential applicants that have expressed an interest in ATF careers. This data collection is imperative to the accurate reporting of ATF’s recruitment and outreach events which prioritize populations that are underrepresented within the agency. The data collected will be used to brief ATF management on the success/challenges of recruitment/outreach events and compiled to report efforts to DOJ via reports such as the Disabled Veterans Affirmative Action Program (DVAAP).

Overview of This Information Collection

1. *Type of Information Collection:* New Collection.
2. *The Title of the Form/Collection:* Recruitment Outreach Data Collection.
3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: Form number: ATF Form 2310.2.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Individuals or households. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 80 respondents will complete this form once annually, and it will take each respondent approximately 5 minutes to complete their responses.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 6.667 hours, which is equal to 80 (total respondents) * 1 (# of response per respondent) * 0.0832 (5 minutes).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* \$0. There is no new cost associated with this information collection since all requests will be electronically submitted.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (mins.)	Total annual burden (hours)
Recruitment Outreach Data Collection ATF F. 2310.2	80	1/annually	80	5	6.667

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: September 19, 2023.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-20640 Filed 9-22-23; 8:45 am]

BILLING CODE 4410-14-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0002]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Restoration of Firearms Privileges

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, on July 6, 2023, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until October 25, 2023.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Laura O’Lena, by email at FR0D@atf.gov, or by telephone at 256-261-7640.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

- whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- 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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 1140–0002. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.
2. *Title of the Form/Collection:* Application for Restoration of Firearms Privileges.
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form number: ATF Form 3210.1. Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Private Sector—Businesses or other for-profit.
Abstract: The information requested on Application for Restoration of

Firearms Privileges—ATF Form 3210.1, fulfills the requirements of 18 U.S.C. chapter 44. Under Federal law, individuals prohibited from purchasing, possessing, receiving, or transporting firearms are permitted to apply for restoration of their firearms privileges. Currently, only corporations may apply for relief as Congress has not appropriated funds for individuals who are prohibited. Information Collection (IC) OMB 1140–0002 is being revised to change the name of the form to “Application for Relief from Federal Firearms Disabilities” to reflect the process characterized in U.S.C. 925(c) and its implementing regulations at 27 CFR 478.144.

5. *Obligation to Respond:* Required to obtain or retain a benefit, 18 U.S.C. chapter 44.

6. *Total Estimated Number of Respondents:* 10 respondents.

7. *Estimated Time per Respondent:* 30 minutes.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 5 hours.

10. *Total Estimated Annual Other Costs Burden:* \$6.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: September 11, 2023.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023–20629 Filed 9–22–23; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0360]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Generic Clearance for Cognitive, Pilot, and Field Studies for Office of Juvenile Justice and Delinquency Prevention Data Collection Activities

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The National Institute of Justice, Office of Justice Programs, Department of Justice (DOJ), will be submitting the following generic information collection request to the Office of Management and Budget (OMB) for review and approval in

accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until November 24, 2023.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Benjamin Adams, Supervisory Social Science Analyst, National Institute of Justice, 810 Seventh Street NW, Washington, DC 20531 (email: benjamin.adams@usdoj.gov; telephone: 202–616–3687).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Juvenile Justice and Delinquency Prevention, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Abstract: The proposed generic information collection clearance will enable the National Institute of Justice (NIJ), on behalf of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), to develop, test, and improve its survey and data collection instruments and methodologies. NIJ will engage in cognitive, pilot, and field test activities to inform its data collection efforts and to minimize respondent burden associated with each new or modified data collection. NIJ anticipates using a variety of procedures including, but not limited to, tests of various types of survey and data collection operations,

focus groups, cognitive laboratory activities, pilot testing, field testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments. Following standard Office of Management and Budget (OMB) requirements, NIJ will submit an individual request to OMB for every group of data collection activities undertaken under this generic clearance. NIJ will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.
2. *The Title of the Form/Collection:* Generic Clearance for Cognitive, Pilot,

and Field Studies for Office of Juvenile Justice and Delinquency Prevention Data Collection Activities.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers are not available for a generic clearance. The applicable components within the Department of Justice are the National Institute of Justice and the Office of Juvenile Justice and Delinquency Prevention, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, local and tribal governments, individuals or households, Private Sector—businesses for or not for profit institutions. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: It is estimated that approximately 2,500 respondents will be involved in the anticipated cognitive, pilot, and field-testing work over the 3-year clearance period. Specific estimates for the average response time are not known for development work covered under a generic clearance.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated public burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 4,000 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The estimated annual cost burden for this collection is \$0.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Generic information collections activities	2,500	1	2,500	96	4,000
Unduplicated Totals	2,500	.....	2,500	.....	4,000

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: September 19, 2023.

Darwin Arceo,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2023-20639 Filed 9-22-23; 8:45 am]

BILLING CODE 4410-18-P

the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of

automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Michelle Neary by telephone at 202-693-6312, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The regulations and forms cover the submission of information relating to the processing of claims for benefits under the Longshore Act and extensions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 11, 2023 (88 FR 30344).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Administration of the Longshore and Harbor Workers’ Compensation Act

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers’ Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Administration of the Longshore and Harbor Workers' Compensation Act.

OMB Control Number: 1240–0014.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 45,217.

Total Estimated Number of Responses: 76,417.

Total Estimated Annual Time Burden: 21,155 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,
Senior PRA Analyst.

[FR Doc. 2023–20622 Filed 9–22–23; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Medical Travel Refund Request Form

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and

cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Michelle Neary by telephone at 202–693–6312, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: OWCP must reimburse beneficiaries for travel expenses for covered medical treatment. In order to determine whether amounts requested as travel expenses are appropriate, OWCP must receive certain data elements, including the signature of the physician for medical expenses claimed under the BLBA. Form OWCP–957 is the standard format for the collection of these data elements. The regulations implementing these three statutes allow for the collection of information needed to enable OWCP to determine if reimbursement requests for travel expenses should be paid. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on 06/01/2023 (88 FR 35932).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Medical Travel Refund Request Form.

OMB Control Number: 1240–0037.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 37,132.

Total Estimated Number of Responses: 356,875.

Total Estimated Annual Time Burden: 53,531 hours.

Total Estimated Annual Other Costs Burden: \$240,656.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,
Senior PRA Analyst.

[FR Doc. 2023–20624 Filed 9–22–23; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Access to Employee Exposure and Medical Records

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The Standard requires employers to preserve and provide access to records associated with workers' exposure to toxic

chemicals and harmful physical agents. Employee records and access to them are critically important to the detection, treatment, and prevention of occupational illness and disease. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 12, 2023 (88 FR 38104).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Access to Employee Exposure and Medical Records.

OMB Control Number: 1218–0065.

Affected Public: Private sector—businesses or other for-profits.

Total Estimated Number of Respondents: 790,164.

Total Estimated Number of Responses: 7,342,642.

Total Estimated Annual Time Burden: 816,012 hours.

Total Estimated Annual Other Costs Burden: \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Acting Departmental Clearance Officer.

[FR Doc. 2023–20625 Filed 9–22–23; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of

Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before October 25, 2023.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Michelle Neary by telephone at 202–693–6312, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Form CA–1032 is used to obtain information from claimants receiving compensation for an extended period of time. This information is necessary to ensure that compensation being paid is correct. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on 06/07/2023 (88 FR 37288).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement.

OMB Control Number: 1240–0016.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 33,372.

Total Estimated Number of Responses: 33,372.

Total Estimated Annual Time Burden: 11,013 hours.

Total Estimated Annual Other Costs Burden: \$15,889.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michelle Neary,

Senior PRA Analyst.

[FR Doc. 2023–20623 Filed 9–22–23; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at ACVETEO@dol.gov. Additional information regarding the Committee, including its charter, current membership list, annual reports, meeting minutes, and meeting updates may be found at <https://www.dol.gov/agencies/vets/about/advisorycommittee>. This notice also describes the functions of the ACVETEO. This document is intended to notify the general public.

DATES: Thursday, October 19, 2023 beginning at 9 a.m. and ending at approximately 12 p.m. (EDT).

ADDRESSES: This ACVETEO meeting will be held via TEAMS and

teleconference. Meeting information will be posted at the link below under the Meeting Updates tab. <https://www.dol.gov/agencies/vets/about/advisorycommittee>.

Notice of Intent to Attend the Meeting: All meeting participants should submit a notice of intent to attend by Friday, October 6, 2023, via email to Mr. Gregory Green at ACVETEO@dol.gov, subject line "October 2023 ACVETEO Meeting." Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, October 6, 2023, by contacting Mr. Gregory Green at ACVETEO@dol.gov.

Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Designated Federal Official for the ACVETEO, ACVETEO@dol.gov, (202) 693-4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. 10. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. The ACVETEO is responsible for: assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for Veterans' Employment and Training Service, with respect to outreach activities and employment and training needs of veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

- 9 a.m. Welcome and remarks, James D. Rodriguez, Assistant Secretary, Veterans' Employment and Training Service
- 9:05 a.m. Administrative Business, Gregory Green, Designated Federal Official
- 9:10 a.m. VETS Minority Initiatives briefing
- 9:45 a.m. Service Delivery, Underserved Population and

Innovative Veteran Training and Employment Subcommittee breakout rooms

11:45 p.m. Public Forum, Gregory Green, Designated Federal Official

12 p.m. Adjourn

Signed in Washington, DC, this 19th day of September 2023.

James D. Rodriguez,

Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2023-20657 Filed 9-22-23; 8:45 am]

BILLING CODE 4510-79-P

MERIT SYSTEMS PROTECTION BOARD

Public Availability of the Merit Systems Protection Board Fiscal Year (FY) 2020 Service Contract Inventory

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board (MSPB) is publishing this notice to advise the public of the availability of its FY 2020 Service Contract Inventory as required by the Consolidated Appropriations Act of 2010. This inventory provides information on service contract actions over \$25,000 awarded in FY 2020. The inventory was developed in accordance with guidance issued on November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). The OFPP's guidance is available at: <https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf>. The MSPB posted its inventory on its website at <https://www.mspb.gov/publicaffairs/contracting.htm>.

FOR FURTHER INFORMATION CONTACT: Tset Wong, Contracting Officer, Office of Finance and Administrative Management, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; telephone 202-254-4408; email tset.wong@mspb.gov.

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2023-20744 Filed 9-22-23; 8:45 am]

BILLING CODE 7400-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (23-097)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than October 10, 2023 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than October 10, 2023 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: hq-patentoffice@mail.nasa.gov. Questions may be directed to Phone: (202) 358-0646.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent Application 17/455,736, entitled "Multiplex Inertial Filter, Collector and Separator" to Helix Earth Technologies, Inc., having its principal place of business in Houston, Texas. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially

exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Trenton J. Roche,

Agency Counsel for Intellectual Property.

[FR Doc. 2023-20724 Filed 9-22-23; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-23-0011; NARA-2023-042]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by November 13, 2023.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-23-0011/document>. This is a direct link to the schedules posted in the docket for this notice on [regulations.gov](https://www.regulations.gov). You may submit comments by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a ‘comment’ button so you can comment on that specific schedule. For more

information on [regulations.gov](https://www.regulations.gov) and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via [regulations.gov](https://www.regulations.gov), you may email us at request.schedule@nara.gov for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule’s entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT:

Kimberly Richardson, Strategy and Performance Division, by email at regulation_comments@nara.gov or at 301-837-2902. For information about records schedules, contact Records Management Operations by email at request.schedule@nara.gov or by phone at 301-837-1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the [regulations.gov](https://www.regulations.gov) docket for this notice as “other” documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the [regulations.gov](https://www.regulations.gov) portal, you may contact request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on [regulations.gov](https://www.regulations.gov) a “Consolidated Reply” summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at [regulations.gov](https://www.regulations.gov) to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA’s approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records’ administrative use by the agency of origin, the rights of the Government and of private people directly affected by the

Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending:

1. Department of the Army, Agency-wide, Cadet Command Information Management Module System (DAA-AU-2021-0012).

2. Department of Energy, Agency-wide, Employee Health and Safety Records (DAA-0434-2020-0015).

3. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Video and Audio Surveillance Records (DAA-0567-2023-0002).

4. Department of the Treasury, Internal Revenue Service, Employee Plans-Exempt Organizations Determination System (DAA-0058-2022-0008).

5. National Credit Union Administration, Agency-wide, Modern Examination and Risk Identification Tool (DAA-0413-2022-0002).

6. Social Security Administration, Office of Central Operations, SS-5 Applications for Account Number (DAA-0047-2021-0001).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2023-20675 Filed 9-22-23; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: 21st Century Museum Professionals Program Notice of Funding Opportunity

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB Review, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services announces that the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly

understood, and the impact of collection requirements on respondents can be properly assessed. This Notice proposes the clearance of a Notice of Funding Opportunity for a new grant program, the 21st Century Museum Professionals Program. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before October 22, 2023.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Institute of Museum and Library Services" under "Currently Under Review;" then check "Only Show ICR for Public Comment" checkbox. Once you have found this information collection request, select "Comment," and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395-7316.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

FOR FURTHER INFORMATION CONTACT:

Mark Isaksen, Supervisory Grants Management Specialist, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024-2135. Mr.

Isaksen can be reached by telephone at 202-653-4667, or by email at misaksen@imls.gov. Persons who are deaf or hard of hearing (TTY users) may contact IMLS at 202-207-7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant-making, research, and policy development. To learn more, visit www.imls.gov.

Current Actions: This Notice proposes the clearance of a Notice of Funding Opportunity for a new IMLS grant program, the 21st Century Museum Professionals Program. The purpose of the program will be to develop and enhance a diverse workforce of museum professionals by offering professional development opportunities, employing strategies for training and recruiting future museum professionals and supporting evaluation efforts to identify and share effective practices. There will be an initial emphasis on spurring economic growth through workforce development in the post-pandemic environment, particularly for cultural institutions in rural and economically distressed communities.

IMLS recognizes the important role of strong local and regional networks as essential tools for providing peer-to-peer learning, training, and mentoring opportunities. The program will thus encourage applications from not only museums but also museum associations, museum studies programs at Institutions of Higher Education, and museums that serve as essential parts of the professional learning and training environment.

The 60-day Notice was published in the **Federal Register** on July 20, 2023 (88 FR 46816-46817). The agency received no comments under this Notice.

Agency: Institute of Museum and Library Services.

Title: 21st Century Museum Professionals Program Notice of Funding Opportunity.

OMB Control Number: 3137-NEW.

Agency Number: 3137.

Affected Public: Museums, museum associations, museum studies programs at Institutions of Higher Education, and museums that serve as essential parts of the professional learning and training environment.

Total Number of Respondents: 40.

Frequency of Response: Once per request.

Average Hours per Response: 45 hours.
Total Burden Hours: 1,800 hours.
Total Annualized Capital/Startup Costs: n/a.
Total Annual Cost Burden: \$52,704.
Total Annual Federal Costs: \$ 1,744.
 Dated: September 19, 2023.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2023–20644 Filed 9–22–23; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION**Sunshine Act Meetings**

The National Science Board's (NSB) NSB–NSF Commission on Merit Review hereby gives notice of the scheduling of a videoconference meeting for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, September 27, 2023, from 12:00 p.m.–1:00 p.m. EDT.

PLACE: This meeting will be held by videoconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the meeting is: Commission Chair's opening remarks; Presentation and discussion of the potential for additional Merit Review criteria; Commission Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: (Chris Blair, cblair@nsf.gov), 703/292–7000. Members of the public can observe this meeting through a YouTube livestream. The YouTube link will be available from the NSB web page.

Christopher Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2023–20824 Filed 9–21–23; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 25, October 2, 9, 16, 23, 30, 2023. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

www.nrc.gov/public-involve/public-meetings/schedule.html.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov.

MATTERS TO BE CONSIDERED:**Week of September 25, 2023**

There are no meetings scheduled for the week of September 25, 2023.

Week of October 2, 2023—Tentative

There are no meetings scheduled for the week of October 2, 2023.

Week of October 9, 2023—Tentative

There are no meetings scheduled for the week of October 9, 2023.

Week of October 16, 2023—Tentative

Thursday, October 19, 2023

9:00 a.m. Hearing on Construction Permit for Kairos Hermes Non-Power Test Reactor: Section 189a of the Atomic Energy Act Proceeding (Public Meeting) (Contact: Matthew Hiser: 301–415–2454; Tami Dozier: 301–415–2272)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of October 23, 2023—Tentative

There are no meetings scheduled for the week of October 23, 2023.

Week of October 30, 2023—Tentative

Thursday, November 2, 2023

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines

(Public Meeting) (Contact: Jennie Rankin: 301–415–1530)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 21, 2023.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2023–20881 Filed 9–21–23; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM–2023–0034]

Submission for Review: Renewal Without Change of an Existing Information Collection, OPM Form 1655, Application for Senior Administrative Law Judge, and OPM Form 1655–A, Geographic Preference Statement for Senior Administrative Law Judge Applicant, OMB Control Number 3206–0248

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on the following revised information collection request (ICR): 3206–0248, OPM Form 1655, *Application for Senior Administrative Law Judge*, and OPM Form 1655–A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant*.

DATES: Comments are encouraged and will be accepted until November 24, 2023.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Administrative Law Judge Program Office, 1900 E Street NW, Washington, DC 20415, Attention: Ms. Diane Hobbs, Administrative Law Judge

Program Manager or send via electronic mail to diane.hobbs@opm.gov.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the U.S. Office of Personnel Management, Administrative Law Judge Program Office, 1900 E Street NW, Washington, DC 20415, Attention: Ms. Diane Hobbs. Administrative Law Judge Program Manager, or by sending a request via electronic mail to diane.hobbs@opm.gov or call (202) 606-3822.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13), as amended (44 U.S.C. chapter 35), OPM is soliciting comments for this collection. OPM Form 1655, *Application for Senior Administrative Law Judge*, and OPM Form 1655-A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant*, are used by retired Administrative Law Judges seeking reemployment on a temporary and intermittent basis to complete hearings of one or more specified case(s) in accordance with the Administrative Procedure Act of 1946. This revision proposes to renew a currently approved collection. Therefore, we invite comments that:

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 submissions of responses.

Analysis

Agency: U.S. Office of Personnel Management.

Title: OPM Form 1655, *Application for Senior Administrative Law Judge*, and OPM Form 1655-A, *Geographic Preference Statement for Senior Administrative Law Judge Applicant*.
OMB Control Number: 3206-0248.
Frequency: Annually.
Affected Public: Federal Administrative Law Judge Retirees.

Number of Respondents:
 Approximately 150—OPM Form 1655/
 Approximately 200—OPM Form 1655-A.

Estimated Time per Respondent:
 Approximately 30–45 Minutes—OPM Form 1655/
 Approximately 15–25 Minutes—OPM Form 1655-A.

Total Burden Hours: Estimated 94 hours—OPM Form 1655/
 Estimated 67 hours—OPM Form 1655-A.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2023-20645 Filed 9-22-23; 8:45 am]

BILLING CODE 6325-43-P

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council Virtual Hybrid Public Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Federal Salary Council (Council) will hold a hybrid (virtual/in-person) meeting on Tuesday, November 14, 2023, at the time shown below. The Council will consider relevant data in the meeting and formulate its recommendations to the President's Pay Agent on pay comparison methods, locality pay rates, and locality pay areas and boundaries for 2025.

DATES: The hybrid meeting will be held on Tuesday, November 14, 2023, beginning at 10:00 a.m. Eastern Standard Time.

ADDRESSES: This meeting will convene virtually or in person at: Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Joe Ratcliffe by email at pay-leave-policy@opm.gov or by telephone at (202) 606-2858.

SUPPLEMENTARY INFORMATION: The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations and pay policy. The Council makes recommendations to the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) about the locality pay program for General Schedule employees under 5 U.S.C. 5304. The Council's recommendations cover the establishment or modification of locality pay areas, the coverage of salary surveys, the process of comparing Federal and non-Federal rates of pay,

and the level of comparability payments that should be paid.

Public Participation: The November 14, 2023, meeting of the Federal Salary Council is open to the public through advanced registration at <https://events.gcc.teams.microsoft.com/event/58d2c24a-ac5e-489e-aae5-c7a2b6f2021a@844ef997-7b63-48f0-882a-7dc8162e363b>. All individuals who plan to attend the hybrid public meeting must register no later than Tuesday, November 7, 2023.

Members of the press, in addition to registering for this event, must also RSVP to media@opm.gov by November 7, 2023.

A confirmation email will be sent upon receipt of the registration. If you do not receive the confirmation email within a business day of registering, please check your spam filter or junk email folder.

Individuals who wish to provide testimony or present material at the meeting should indicate so when registering (an OPM staff member will be in contact with you to discuss providing testimony). In addition, please be aware that the Council may need to set limits on the time that will be provided for hearing oral testimony in the meeting. However, the Council can consider lengthier input in written material provided in advance of the public meeting. There are no restrictions on format for such written input.

Meeting Agenda: The Council will hear public testimony about the locality pay program, review the results of pay comparisons, and formulate its recommendations to the President's Pay Agent on pay comparison methods, locality pay rates, and locality pay areas and boundaries for 2025.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2023-20637 Filed 9-22-23; 8:45 am]

BILLING CODE 6325-39-P

OFFICE OF PERSONNEL MANAGEMENT

[Docket ID: OPM-2023-0032]

Submission for Review: 3206-0233, Civil Service Retirement System Survivor Annuity Express Pay Application for Death Benefits, RI 25-51

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM), Retirement Services, offers the general public and other Federal agencies the opportunity to comment on the review of the following expiring information collection request (ICR) with change: Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits, RI 25–51.

DATES: Comments are encouraged and will be accepted until November 24, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by the following method:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

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

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to Cyrus.Benson@opm.gov or faxed to (202) 606–0910 or reached via telephone at (202) 936–0401.

SUPPLEMENTARY INFORMATION: Eligible recipients of Civil Service Retirement System (CSRS) survivor benefits generally must apply for those benefits using Standard Form (SF) 2800, *Application for Death Benefits*. In a defined set of circumstances, a current surviving spouse of a deceased annuitant of the CSRS who elected a survivor annuity benefit for the surviving spouse may be eligible for Express Pay. OPM still requires a signed application and certified copy of the death certificate. Instead of completing the SF 2800, the survivor applies for the benefit by completing the form RI 25–51, *Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits*, because of the likelihood these surviving spouses are entitled to survivor annuity benefits. Use of this form allows OPM to expedite processing and to limit possible financial hardship that a delay

in payment might otherwise cause affected surviving spouses.

Minor changes were made to the form and instructions to provide respondents clear instructions and to update contact information. No changes are being made to the approved burden hours for this information collection.

As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13) as amended (44 U.S.C. chapter 35), OPM is soliciting comments for this collection (OMB No. 3206–0233). OPM is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Analysis

Agency: Office of Personnel Management, Retirement Services.

Title: Civil Service Retirement System Survivor Annuitant Express Pay Application for Death Benefits.

OMB Number: 3206–0233.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 34,800.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 17,400 hours.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2023–20638 Filed 9–22–23; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2023–272 and CP2023–275; MC2023–273 and CP2023–276; MC2023–274 and CP2023–277; MC2023–275 and CP2023–278]

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:* September 27, 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

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).

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).: MC2023-272 and CP2023-275; Filing Title: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 57 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: September 19, 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: September 27, 2023.

2. Docket No(s).: MC2023-273 and CP2023-276; Filing Title: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 58 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: September 19, 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: September 27, 2023.

3. Docket No(s).: MC2023-274 and CP2023-277; Filing Title: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 59 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: September 19, 2023; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Gregory S. Stanton; Comments Due: September 27, 2023.

4. Docket No(s).: MC2023-275 and CP2023-278; Filing Title: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 60 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: September 19, 2023; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Gregory S. Stanton; Comments Due: September 27, 2023.

This Notice will be published in the Federal Register.

Erica A. Barker, Secretary.

[FR Doc. 2023-20716 Filed 9-22-23; 8:45 am]

BILLING CODE 7710-FW-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18185 and #18186; Oklahoma Disaster Number OK-00172]

Administrative Disaster Declaration of a Rural Area for the State of Oklahoma

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Oklahoma dated 09/20/2023.

Incident: Severe Storms, Straight-Line Winds and Tornadoes.

Incident Period: 06/14/2023 through 06/18/2023.

DATES: Issued on 09/20/2023.

Physical Loan Application Deadline Date: 11/20/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 06/20/2024.

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: Alan 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 Administrator's disaster declaration of a rural area, applications for disaster loans may be filed 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: Harper.

The Interest Rates are:

Table with 2 columns: Description and Percent. Rows include: For Physical Damage: Homeowners with Credit Available Elsewhere (5.000), Homeowners without Credit Available Elsewhere (2.500), Businesses with Credit Available Elsewhere (8.000), Businesses without Credit Available Elsewhere (4.000), Non-Profit Organizations with Credit Available Elsewhere (2.375)

Table with 2 columns: Description and Percent. Rows include: Non-Profit Organizations without Credit Available Elsewhere (2.375), For Economic Injury: Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere (4.000), Non-Profit Organizations without Credit Available Elsewhere (2.375)

The number assigned to this disaster for physical damage is 18185 B and for economic injury is 18186 O.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman, Administrator.

[FR Doc. 2023-20740 Filed 9-22-23; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice:12190]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, October 12, 2023. This hybrid meeting will be held in person at 1777 F Street NW, Washington, DC, with the option to attend virtually via Zoom. The virtual forum will open at 12:15 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The DTAG was established as an advisory committee under the authority of 22 U.S.C. 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. 1001 et seq.

The purpose of the meeting will be to discuss current defense trade issues and topics for further study. The Directorate of Defense Trade Controls (DDTC) asked the DTAG to complete the following taskings, which will be discussed and presented: (1) to review parts 123, 124, sections of part 125 related to classified defense articles, and relevant text of DDTC Guidelines for Preparing Agreements and report recommendations on ways to better organize and consolidate ITAR licensing requirements and processes, with specific attention to efforts to standardize structure and language, such that sections describing different types of authorizations follow the same

construction, and to provide recommendations related to streamlining or removing text specific to technical data within the definition of defense articles in 120.31(a); (2) provide insight on issues faced by industry related to defense commercial sales (DCS) pre-delivery and delivery activities in support of foreign military sales (FMS), DCS post-delivery support and sustainment of FMS articles, challenges faced by non-U.S. entities/customers, other inefficiencies and/or redundancies, as well as recommendations for improvement; and (3) assess and provide recommendations on improvements that could be made to the process and associated guidance for name/address changes and other administrative changes resulting from companies' internal business decisions, to improve efficiency and reduce registration and licensing burdens on industry.

For those attending virtually via Zoom, there will be one Zoom invitation for each attendee, and only the invited attendee should use the invitation. Please let us know if you need any of the following accommodations: live captions, digital/text versions of webinar materials, or other (please specify).

Members of the public may attend this hybrid session in person or virtually, with virtual questions submitted by email after the formal DTAG presentation. Members of the public may also submit a brief statement (less than three pages) to the committee in writing for inclusion in the public minutes of the meeting. Each member of the public that wishes to attend this session in person or virtually must provide: Name and contact information, including an email address and phone number, method of attendance, and any request for reasonable accommodation to the DTAG Designated Federal Officer (DFO), Paula Harrison, via email at DTAG@State.gov by COB Tuesday, October 10th, 2022.

For Further Information Contact: Ms. Katherine Vaughn, PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112; Telephone (771) 205-4633 or email DTAG@State.gov.

(Authority: 22 U.S.C. 2651a and 41 CFR 102-3.150.)

Paula Harrison,

Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2023-20737 Filed 9-22-23; 8:45 am]

BILLING CODE 4710-25-P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2023-4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.
ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 2023 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2023 RCAF (Unadjusted) is 1.012. The fourth quarter 2023 RCAF (Adjusted) is 0.401. The fourth quarter 2023 RCAF-5 is 0.384.

DATES: *Applicability Date:* October 1, 2023.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245-0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available at www.stb.gov.

Decided: September 18, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2023-20683 Filed 9-22-23; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2023-1486]

Agency Information Collection Activities: Requests for Comments; Clearance of 2120-0026 Approval of Information Collection: Domestic and International Flight Plans

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 5, 2023. The collection involves extracting flight data such as aircraft, routing speed, etc. from domestic and

international flights. FAA Form 7233-1, Flight Plan: Domestic flight plan information is used to govern the flight of aircraft for the protection and identification of aircraft and property and persons on the ground. The information is used by air traffic controllers, search and rescue (SAR) personnel, flight standards inspectors, accident investigators, military, law enforcement, and the Department of Homeland Security.

DATES: Written comments should be submitted by October 25, 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: Aldwin Humphrey by email at: aldwin.humphrey@faa.gov, phone: 703-786-9859

SUPPLEMENTARY INFORMATION: Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120-0026.
Title: Domestic and International Flight Plans.

Form Numbers: FAA form 7233-1 Domestic Flight Plan, FAA form 7233-4 International Flight Plan.

Type of Review: Renewal of information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 5, 2023 (88 FR 42998). The Federal Aviation Administration (FAA) is authorized and directed by Title 49, United States Code, paragraph 40103(b), to prescribe air traffic rules and regulations governing the flight of aircraft for the protection and identification of aircraft and property and persons on the ground. Title 14, CFR, part 91, subchapter F, prescribes flight rules governing the operation of aircraft within the United States. These rules govern the operation of aircraft (other than moored balloons, kites, unmanned rockets and unmanned free

balloons) within the United States and for flights across international borders. Paragraphs 91.153 and 91.169, address flight plan information requirements. Paragraph 91.173 states requirements for when an instrument flight rules (IFR) flight plan must be filed. International Standards Rules of the Air, Annex 2 to the Convention on International Civil Aviation paragraph 3.3 states requirements for filing international flight plans. In addition, a Washington, District of Columbia (DC) Special Flight Rules Area (SFRA) was implemented requiring pilots operating within a certain radius of Washington, DC to follow special security flight rules. The SFRA also includes three (3) general aviation airports in Maryland (College Park, Clinton/Washington Executive/Hyde Field, and Friendly/Potomac Airfield) where pilots are required to file a flight plan regardless of whether they are flying under visual flight rules (VFR) or IFR. This collection of information supports the Department of Homeland Security and the Department of Defense in addition to the normal flight plan purposes.

Almost 100 percent of flight plans are filed electronically. However, as a courtesy to the aviation public, flight plans may be submitted in paper form. Flight plans may be filed in the following ways:

- Air carrier and air taxi operations, and certain corporate aviation departments, have been granted authority to electronically file flight plans directly with the FAA. The majority of air carrier and air taxi flights are processed in this manner.
- Air carrier and air taxi operators may submit pre-stored flight plan information on scheduled flights to Air Route Traffic Control Centers (ARTCC) to be entered electronically at the appropriate times.
- Pilots may call 1-800-WX-BRIEF (992-7433) and file flight plans with a flight service station specialist who enters the information directly into a computer system that automatically transmits the information to the appropriate air traffic facility. Pilots calling certain flight service stations have the option of using a voice recorder to store the information that will later be entered by a specialist.
- Private and corporate pilots who fly the same aircraft and routes at regular times may prestore flight plans with flight service stations. The flight plans will then be entered automatically into the air traffic system at the appropriate time.
- Pilots who visit a flight service station in person may choose to file flight plan by using a paper form. The

data will then be entered into a computer and filed electronically. The pilot will often keep the paper copy for his/her record.

Respondents: Air carrier and air taxi operations, and certain corporate aviation departments, General Aviation Pilots.

Frequency: On occasion.

Estimated Average Burden per

Response: 2.5 minutes per flight plan.

Estimated Total Annual Burden: 287,447.

Issued in Washington, DC, on September 19, 2023.

Aldwin E. Humphrey,

Air Traffic Control Specialist, Office of Flight Service Safety and Operations, AJR-B.

[FR Doc. 2023-20696 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0159]

Agency Information Collection Activities; Revision of an Approved Information Collection: Inspection, Repair and Maintenance

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The information collection concerns records of inspection, repair, and maintenance of commercial motor vehicles (CMVs). FMCSA requests approval to revise an ICR titled, "Inspection, Repair and Maintenance."

DATES: We must receive your comments on or before November 24, 2023.

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2023-0159 using any of the following methods:

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

- **Mail:** Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** Dockets Operations, U.S. Department of

Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

- **Fax:** 1-202-493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jose R. Cestero, Vehicle and Roadside Operations Division, DOT, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590; 202-366-5541; jose.cestero@dot.gov.

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2023-0159), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2023-0159/document>, click on this notice, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an

unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Background

The Secretary of Transportation (Secretary) is authorized under the provisions of 49 U.S.C. 31502 to prescribe requirements for, among other things, safety of operations of equipment of motor carriers that operate CMVs in interstate commerce. Under 49 U.S.C. 31136, the Secretary also has authority to prescribe regulations to ensure that CMVs are maintained, equipped, loaded, and operated safely. Under 49 U.S.C. 31142 the Secretary must establish standards for annual or more frequent inspections of CMVs. The Secretary's authority to establish improved standards or methods to ensure brakes and brake systems of CMVs are inspected by appropriate employees and maintained properly is provided under 49 U.S.C. 31137(g).

Motor carriers must maintain, or require maintenance of, records documenting the inspection, repair and maintenance activities performed on their owned and leased vehicles. There are no prescribed forms. Electronic recordkeeping is allowed (see 49 CFR 390.31(d)). Documents requiring a signature must be capable of replication (e.g., photocopy, facsimile, etc.) in such form that will provide an opportunity for signature verification upon demand. Also, if electronic recordkeeping is used, all of the relevant data on the original documents must be included in the electronic transmission for the records to be valid.

The motor carrier industry has never questioned the need to keep CMV maintenance records. In fact, most motor carriers would keep some records without any regulatory requirements to do so. Records of inspection, repair, and maintenance; roadside inspection reports; driver vehicle inspection reports; the documentation of periodic inspections; the evidence of the qualifications of individuals performing

periodic inspections; and the evidence of brake inspectors' qualifications contain the minimum amount of information necessary to document that a motor carrier has established a system of inspection, repair, and maintenance for its equipment which meets the standards in 49 CFR part 396.

FMCSA and its representatives use these records to verify motor carriers' compliance with the inspection, repair, and maintenance standards in part 396. This ICR supports DOT's strategic goal of safety. The ICR also ensures that motor carriers have adequate records to document the inspection, repair, and maintenance of their CMVs, and to ensure that adequate measures are taken to keep their CMVs in safe and proper operating condition at all times. Compliance with the inspection, repair, and maintenance regulations helps to reduce the likelihood of accidents attributable, in whole or in part, to the mechanical condition of the CMV.

This ICR submittal includes updated data regarding the number of motor carriers subject to the Federal Motor Carrier Safety Regulations, vehicle counts, inspections, and other underlying data used to estimate the total burden hours. In addition, this revision eliminates the requirement that drivers of passenger-carrying CMVs operating in interstate commerce submit, and motor carriers retain, Driver-Vehicle Inspection Reports (DVRs) when the driver has neither found nor been made aware of any vehicle defects or deficiencies (no-defect DVRs).

If the recordkeeping were required to be completed less frequently, it would greatly hinder the ability of FMCSA and State officials and representatives to ascertain that CMVs are satisfactorily maintained. The timely documentation of CMV inspection, repair, and maintenance enables FMCSA and State officials to evaluate the present state of a motor carrier's CMV maintenance program and to check the current level of regulatory compliance at any point in a carrier's maintenance schedule or program.

FMCSA has identified periodic inspection standards of 22 States, the District of Columbia, the Alabama Liquefied Petroleum Gas Board, 10 Canadian Provinces, and one Canadian Territory that are comparable to, or as effective as, the Federal periodic inspection requirements. FMCSA does not require Federal periodic inspections and the related recordkeeping for motor carriers that comply with these equivalent periodic inspection programs. FMCSA is not aware of any other duplicative standards or

recordkeeping requirements that apply to motor carriers.

FMCSA does not employ this collection of information for statistical use.

Title: Inspection, Repair and Maintenance.

OMB Control Number: 2126-0003.

Type of Request: Revision of a currently approved information collection.

Respondents: Motor carriers and CMV drivers.

Estimated Number of Respondents: 757,652 motor carriers and 5,646,722 drivers.

Estimated Time per Response: Varies according to the requirements for specific records.

Expiration Date: December 31, 2023.

Frequency of Response: Varies according to requirements for specific records.

Estimated Total Annual Burden: 19,103,153 hours [14,602,802 hours for inspection, repair, and maintenance + 3,516,342 hours for driver inspection reports + 161,528 hours for disposition of roadside inspection reports + 777,864 hours for periodic inspections + 23,571 hours for records of inspector qualifications + 21,046 hours for records of brake inspector qualifications].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2023-20641 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2023-0002-N-15]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before November 24, 2023.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *regulations.gov* to the docket, Docket No. FRA–2023–0002. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0010) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are

necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Track Safety Standards.

OMB Control Number: 2130–0010.

Abstract: The Track Safety Standards regulations under 49 CFR part 213 prescribe minimum safety requirements for railroad track that is part of the general railroad system of transportation. FRA uses this information collection to ensure and enhance rail safety by monitoring complete compliance with all regulatory requirements. While the requirements prescribed in this part generally apply to specific track conditions existing in isolation, a combination of track conditions, none of which individually amounts to a deviation from the requirements in this part, may require remedial action to provide safe operations over that track. Qualified

persons inspect track and take action to allow safe passage of trains and ensure compliance with the prescribed standards.

In 2020, FRA published a final rule¹ revising the minimum safety requirements for railroad track. The changes allowed inspection of rail using continuous rail testing; the use of flange-bearing frogs in crossing diamonds; relaxed the guard check gage limits on heavy-point frogs used in Class 5 track; removed an inspection-method exception for high density commuter lines; and other miscellaneous revisions.

In addition, in 2011, FRA promulgated a rule² mandating specific requirements for effective concrete cross ties, for rail fastening systems connected to concrete cross ties, and for automated inspections of track constructed with concrete cross ties. These requirements supplement visual inspections by Class I and Class II railroads, intercity passenger railroads, and commuter railroads.³

In this 60-day notice, FRA made multiple adjustments to its estimated paperwork burden, resulting in an increase of 278 hours, from 234,016 hours in the current inventory to 234,294 hours in the requested inventory. This increase is the result of FRA combining the annual burden hours with OMB Control Number 2130–0592, which covers concrete cross ties, as detailed below:

- Under § 213.234(e), FRA added 31.25 hours.
- Under § 213.234(g), FRA added 60.00 hours.
- Under § 213.234(h)(3), FRA added 187.50 hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 784.

Frequency of Submission: On occasion.

Reporting Burden:

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) ⁴
213.4(f)—Excepted track—Notification to FRA about removal of excepted track.	784 railroads	15 notices	10 minutes	2.50	\$214.83
213.5(c)—Responsibility for compliance—Notification of assignment to FRA.	784 railroads	15 notices	1 hour	15.00	1,288.95

¹ 85 FR 63362.

² 76 FR 18073.

³ To more effectively manage FRA’s ICRs, the concrete cross tie ICR, OMB Control No. 2130–0592, has been combined with that of track safety

standards, OMB Control No. 2130–0010 in this renewal cycle.

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) ⁴
213.7(a)(b)—Designations: Names on list with written authorizations.	784 railroads	2,500 names	10 minutes	416.67	35,804.45
213.17(a)—Waivers	784 railroads	10 petitions	2 hours	20.00	1,718.60
213.57(e)—Curves; elevation and speed limitations—Request to FRA for vehicle type approval.	784 railroads	4 requests	8 hours	32.00	2,749.76
—(f) Written notification to FRA prior to implementation of higher curving speeds.	784 railroads	4 notifications	2 hours	8.00	687.44
—(g) Written consent of track owners obtained by railroad providing service over that track.	784 railroads	4 written consents	45 minutes	3.00	257.79
213.110(a)—Gage restraint measurement systems (GRMS)—Implementing GRMS—notices & reports.	784 railroads	1 notification	45 minutes	0.75	64.45
—(g) GRMS vehicle output reports	784 railroads	1 report	5 minutes	0.08	6.87
—(h) GRMS vehicle exception reports	784 railroads	1 report	5 minutes	0.08	6.87
—(j) GRMS/PTLF—procedures for data integrity	784 railroads	1 documented procedure.	1 hour	1.00	85.93
—(n) GRMS inspection records	784 railroads	2 records	30 minutes	1.00	85.93
213.118(a)–(c)—Continuous welded rail (CWR)—Revised plans w/procedures for CWR.	438 railroads	10 plans	4 hours	40.00	3,437.20
—(d) Notification to FRA and RR employees of CWR plan effective date.	438 railroads	750 notices	15 seconds	3.13	268.96
—(e) Written submissions after plan disapproval	438 railroads	5 written submissions ..	2 hours	10.00	859.30
—(e) Final FRA disapproval and plan amendment.	438 railroads	5 amended plans	1 hour	5.00	429.65
213.234(e)—Automated inspection of track constructed with concrete crossies—Exception reports listing all exception to § 213.109(d)(4) Added requirement and burden hours from 2130–0592.	30 railroads	125 reports	15 minutes	31.25	2,097.19
—(f) Automated inspection of track constructed with concrete crossies—Recordkeeping requirements.	30 railroads	2,000 records	30 minutes	1,000.00	85,930.00
—(g) Procedure for integrity of data—Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system. Added requirement and burden hours from 2130–0592.	30 railroads	30 revised procedures	2 hours	60.00	7,404.60
—(h)(3) Training Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234—Recordkeeping. Added requirement and burden hours from 2130–0592.	30 railroads	2,250 records of trained employees.	5 minutes	187.50	12,583.13
213.237(b)(2)—Inspection of Rail—Detailed request to FRA to change designation of a rail inspection segment or establish a new segment.	65 railroads	4 requests	15 minutes	1.00	85.93
—(b)(3) Notification to FRA and all affected employees of designation's effective date after FRA's approval/conditional approval.	65 railroads	1 notice to FRA + 15 bulletins.	15 minutes	4.00	343.72
—(d) Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved.	65 railroads	4 notices	15 minutes	1.00	85.93
—(d)—Explanation to FRA as to why performance target was not achieved and provision to FRA of remedial action plan.	65 railroads	4 letters of explanation/ plans.	15 minutes	1.00	85.93
213.238—Qualified operators—Written or electronic of qualification.	3 railroads + 5 testing entities.	250 records	5 minutes	20.83	1,789.92
213.240(b)—Continuous Rail Testing—Procedures for conducting continuous testing.	12 railroads	4 procedures	8 hours	32.00	2,749.76
—(c) Type of rail test (continuous or stop-and-verify)—Record.	12 railroads	25,000 documents/ records.	2 seconds	13.89	1,193.57
—(c)—Type of rail test (continuous or stop-and-verify)—Documented changes.	12 railroads	100 documents	1 minute	1.67	143.50
—(g) Annual reports to FRA	12 railroads	12 reports	4 hours	48.00	4,124.64
213.241—Inspection records	784 railroads	1,375,000 records	10 minutes	229,166.67	19,692,291.95
213.303(b)—Responsibility for compliance—Notification of assignment to FRA.	2 railroads	5 notices	30 minutes	2.50	214.83
213.305(c)(4)—Designation of qualified individuals; general qualifications—Written authorization for remedial actions.	2 railroads	20 written documents ...	30 minutes	10.00	859.30
—(e) Railroads produced designation record upon FRA request.	2 railroads	200 records	10 minutes	33.33	2,864.05
213.317(a)–(b)—Waivers	2 railroads	2 petitions	8 hours	16.00	1,374.88

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) ⁴
213.329(e)—Curves, elevation, and speed limitations—FRA approval of qualified vehicle types based on results of testing.	2 railroads	2.00 cover letters + 2.00 technical reports + 2.00 diagrams.	30.00 minutes + 16.00 hours + 15.00 minutes.	33.50	2,878.66
—(f) Written notification to FRA 30 days prior to implementation of higher curving speeds.	2 railroads	2 notices	2 hours	4.00	343.72
—(g) Written consent of other affected track owners by railroad.	2 railroads	2 written consents	45 minutes	1.50	128.90
213.333(d)—Automated vehicle-based inspection systems—Track Geometry Measurement System (TGMS) output/exception reports.	7 railroads	7 reports	1 hour	7.00	601.51
213.341(b)—(d)—Initial inspection of new rail & welds—Inspection records.	2 railroads	800 records	2 minutes	26.67	2,291.75
213.343(a)—(e)—CWR—Procedures for installations and adjustments of CWR.	2 railroads	2 plans	4 hours	8.00	687.44
—(h) Recordkeeping requirements	2 railroads	8,000 records	2 minutes	266.67	22,914.95
213.345(a)—(c)—Vehicle qualification testing—Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above.	2 railroads	2 program plans	120 hours	240.00	20,623.20
—(d) Previously qualified vehicle types qualification programs.	2 railroads	2 program plans	8 hours	16.00	1,374.88
—(h) Written consent of other affected track owners by railroad.	4 railroads	4 written consents	30 minutes	2.00	246.82
213.369(d)—Inspection Records—Record of inspection of track.	2 railroads	15,000 record sets	10 minutes	2,500.00	214,825.00
Total ⁵	784 railroads	1,432,181 responses ...	N/A	234,294	20,131,107

Total Estimated Annual Responses: 1,432,181.

Total Estimated Annual Burden: 234,294.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$20,131,107.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,

Acting Deputy Chief Counsel.

[FR Doc. 2023–20662 Filed 9–22–23; 8:45 am]

BILLING CODE 4910–06–P

⁴ The dollar equivalent cost is derived from the 2022 Surface Transportation Board Full Year Wage A&B data series using the employee groups 100 (Executives, Officials, and Office Staff Assistants) \$70.52, 200 (Professional and Administrative) \$49.10, and 400 (Maintenance of Equipment & Stores) \$38.35. The total burden wage rate (Straight time plus 75%) used in the table is \$85.93 (\$49.10 × 1.75 = \$85.93) except for the following: § 213.234(g) and § 213.345(h) which uses an hourly wage rate of \$123.41 (70.52 × 1.75 = \$123.41) and § 213.234(h)(3) which uses an hourly wage rate of \$67.11 (\$38.35 × 1.75 = \$67.11).

⁵ Totals may not add up due to rounding.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No.: FTA–2023–0006]

Notice of Availability of Programmatic Assessment of Greenhouse Gas Emissions From Transit Projects; Request for Comments

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of availability; request for comments.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of and requests comments on a Programmatic Assessment of Greenhouse Gas Emissions from Transit Projects.

DATES: Comments must be received by November 24, 2023. Late filed comments will be considered to the extent practicable.

ADDRESSES: The Programmatic Assessment is available through <https://www.regulations.gov> under docket number FTA–2023–0006.

You may submit comments to Docket No. FTA–2023–0006 by any of the following methods:

Federal eRulemaking Portal: Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.

Mail: Docket Management Facility: U.S. Department of Transportation, 1200

New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 8:30 a.m. and 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

Fax: (202) 493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and the Docket Number of this notice at the beginning of your comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Megan Blum, Office of Environmental Programs, (202) 366–0463, Megan.Blum@dot.gov, or Alexandra Brun, Office of Environmental Programs, (202) 366–7469, Alexandra.Brun@dot.gov; Mark Montgomery, Office of Chief Counsel, (202) 366–1017, Mark.Montgomery@dot.gov. Office hours are from 9:00 a.m. to 5:00 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The National Environmental Policy Act (NEPA) requires Federal agencies to disclose and analyze the environmental effects of their proposed actions. In January 2023, the Council on

Environmental Quality (CEQ) issued the *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change* (88 FR 1196) (CEQ guidance) to assist agencies in analyzing greenhouse gas (GHG) emissions and climate change effects of their proposed actions under NEPA. The CEQ guidance provides a framework for agencies to consider the effects of a proposed action on climate change, as indicated by its estimated GHG emissions. It also advises agencies to assess the effects of climate change on their proposed actions.

The CEQ guidance acknowledges that incorporation by reference is of great value in considering GHG emissions or the implications of climate change for the proposed action and its environmental effects. The CEQ guidance also notes that an agency may decide that it would be useful and efficient to provide an aggregate analysis of GHG emissions or climate change effects in a programmatic analysis and then incorporate that analysis by reference into future NEPA reviews. FTA considers it practicable to assess the effects of GHG emissions and climate change for transit projects at a programmatic level, where possible.

The Programmatic Assessment of Greenhouse Gas Emissions from Transit Projects (Programmatic Assessment) is a NEPA streamlining tool that creates greater efficiency by: (1) reporting on whether certain types of proposed transit projects merit detailed analysis of their GHG emissions at the project-level; and (2) providing a source of data and analysis for FTA and its project sponsors to reference in future environmental documents for projects where detailed, project-level GHG analysis would provide only limited information beyond what is collected and considered in the Programmatic Assessment. The Programmatic Assessment is intended to update and supersede FTA's January 2017 Programmatic Assessment of Greenhouse Gas Emissions from Transit Projects (82 FR 5636).

The Programmatic Assessment presents results from an analysis to estimate direct and indirect GHG emissions generated from the construction, operations, and maintenance phases for a sample of bus rapid transit, streetcar rail, light rail, commuter rail, and heavy rail projects, as well as an estimate of personal vehicle emissions displaced due to transit's "ridership effect." Emissions estimates were calculated using FTA's Transit Greenhouse Gas Estimator, version 3.0 (<https://www.transit.dot.gov/regulations-and-guidance/>

environmental-programs/ftas-transit-greenhouse-gas-emissions-estimator), which is an Excel-based tool that allows users to calculate partial lifecycle GHG emissions estimates by transit mode based on limited data inputs. The CEQ guidance also indicates that project proponents should place potential GHG emissions and their impacts in appropriate context. In order to provide additional context for the GHG estimates included in the Programmatic Assessment, the net social benefits of reduced operational emissions resulting from each transit project in the sample were estimated.

The Programmatic Assessment provides a reference for FTA and its project sponsors to use in future NEPA documents to describe the effects of proposed transit investments on partial lifecycle GHG emissions. The Programmatic Assessment's results can inform transit project proponents who are considering the GHG emissions of future transit investments or who might independently want to evaluate the GHG emissions benefits and cost of such investments.

FTA requests comments on the Programmatic Assessment, which is available in the docket. FTA will respond to comments received on the Programmatic Assessment in a second **Federal Register** notice to be published after the comment period closes. That second notice will also announce the availability of a final Programmatic Assessment that reflects any changes implemented as a result of comments received.

Authority: 42 U.S.C. 4321 *et seq.*; 40 CFR 1507.3; 49 CFR 1.81(a)(5).

Felicia L. James,

Associate Administrator for Planning and Environment.

[FR Doc. 2023-20745 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2023-0048]

Motorcyclist Advisory Council

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of establishment of the Motorcyclist Advisory Council (MAC) and solicitation for appointment to the MAC.

SUMMARY: NHTSA announces the establishment of MAC for a 2-year

period. The MAC will coordinate with and advise the Secretary of Transportation, the NHTSA Administrator and the Federal Highway Administration (FHWA) Administrator on transportation issues of concern to motorcyclists, including: motorcycle and motorcyclist safety; barrier and road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies. NHTSA is also soliciting nominations for appointment to the MAC.

DATES: Applications for membership must be received by NHTSA on or before 5 p.m. EST, December 15, 2023.

ADDRESSES: If you wish to apply for membership, your application should be submitted to:

- *Email:* MotorcyclistAdvisoryCouncil@dot.gov.
- *Mail:* Use only overnight mail and send to: U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Safety Programs, Room W44-308, 1200 New Jersey Avenue SE, Washington, DC, 20590.

FOR FURTHER INFORMATION CONTACT: John W. Marshall, Director, Office of Safety Programs, Office of Research and Program Development, National Highway Traffic Safety Administration, U.S. Department of Transportation, john.marshall@dot.gov or 202-366-3803. Any Council related questions should be sent to the persons listed in this section.

SUPPLEMENTARY INFORMATION:

Background: Section 24111 of the Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (Pub. L. 117-58) (codified at 49 U.S.C. 355) requires the establishment of a Motorcyclist Advisory Council (MAC). The Secretary of Transportation is required to establish a MAC to advise on transportation safety issues of concern to motorcyclists, including:

- (1) Motorcycle and motorcyclist safety
- (2) Barrier and road design, construction, and maintenance practices; and
- (3) The architecture and implementation of intelligent transportation system technologies.

Description of Duties: The Council shall:

- a. Provide advice on transportation safety issues of concern to motorcyclists consistent with the statutorily specified advising duties.
- b. Provide a forum for the development, consideration, and communication of information from a

knowledgeable and independent perspective.

c. Not later than October 31 of the calendar year following the calendar year in which the Council is established, and not less than once every 2 years thereafter, submit to the Secretary a report containing recommendations of the Council regarding (1) Motorcycle and motorcyclist safety; (2) Barrier and road design, construction, and maintenance practices; and (3) The architecture and implementation of intelligent transportation system technologies.

Membership: Consistent with the statute, the MAC shall be comprised of 13 members appointed by the Secretary of Transportation for a single term of up to 2 years. The MAC seeks to have a fairly balanced membership with expertise in motorcycle and motorcyclist safety, highway engineering, and safety analysis. Specifically, as set by statute, the MAC shall be comprised of the following groups: “(A) 5 shall be representatives of units of State or local government with expertise relating to highway engineering and safety issues, including—(i) motorcycle and motorcyclist safety; (ii) barrier and road design, construction, and maintenance; or (iii) intelligent transportation systems; (B) 1 shall be a motorcyclist who serves as a State or local—(i) traffic and safety engineer; (ii) design engineer; or (iii) other transportation department official; (C) 1 shall be a representative of a national association of State transportation officials; (D) 1 shall be a representative of a national motorcyclist association; (E) 1 shall be a representative of a national motorcyclist foundation; (F) 1 shall be a representative of a national motorcycle manufacturing association; (G) 1 shall be a representative of a motorcycle manufacturing company headquartered in the United States; (H) 1 shall be a roadway safety data expert with expertise relating to crash testing and analysis; and (I) 1 shall be a member of a national safety organization that represents the traffic safety systems industry.” 49 U.S.C. 355(b)(1).

Members serve on the basis of selection by the Secretary for 2 years. If a successor is not appointed for a member of the Council before the expiration of the term of service of the member, the member may serve on the Council for a second term of no longer than 2 years. The Secretary may extend appointments and may appoint replacements for members who have resigned outside of a stated term, as

necessary. Members may continue to serve until their replacements have been appointed. If a member of the Council resigns before the expiration of the 2-year term of service of the member—“(i) the Secretary may appoint a replacement for the member, who shall serve the remaining portion of the term; and (ii) the resigning member may continue to serve after resignation until the date on which a successor is appointed.” *Id.* section 355(b)(2). A vacancy on the Council shall be filled in the manner in which the original appointment was made.

MAC members will not receive pay or other compensation from NHTSA for their MAC service, but are entitled to reimbursement for their travel expenses, including per diem. The MAC shall meet approximately twice a Federal fiscal year. Members appointed solely for their expertise will serve as special Government employees and relevant ethics laws will apply.

Qualifications: Members will be selected based on their expertise, training, and experience and their ability to represent one of the identified groups.

Materials To Submit: Individuals interested in serving on the MAC are invited to apply for appointment by submitting a resume or curriculum vitae. Individuals also may submit letters of recommendation that highlight their qualifications as to expertise, training, or experience or their ability to represent one of the identified groups. Application materials must be submitted to one of the locations listed in the **ADDRESSES** section by the deadline listed in the **DATES** section. Please include your full legal name and date of birth in your application. Each applicant must identify the category that he or she seeks to represent. Members will be selected on the basis of materials submitted and in a manner that ensures equal opportunity for all people consistent with all Federal anti-discrimination laws that prohibit discrimination on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, disability or age. Moreover, selection will be undertaken in a manner that encourages participation by members of underrepresented and underserved communities.

Authority: 49 CFR 1.95 and 501.8.

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2023-20726 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modification to Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation’s Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before October 10, 2023.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the “Nature of Application” portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast,

Washington, DC or at <http://regulations.gov>.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal

hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 11, 2023.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data			
12116-M	Proserv UK Ltd	173.201, 173.301(f), 173.302a, 173.304a.	To modify the special permit to authorize an additional cylinder. (modes 1, 2, 3, 4).
20351-M	Roeder Cartage Company, Incorporated.	180.407(c), 180.407(e), 180.407(f).	To modify the special permit to remove certain cargo tank serial numbers. (mode 1).
20567-M	Omni Tanker Pty. Ltd	107.503(b), 107.503(c), 172.102(c)(3), 173.241, 173.242, 173.243, 178.345-1, 178.347-1, 178.348-1.	To modify the special permit to authorize additional drawings and packaging specifications. (mode 1).
20907-M	Versum Materials US, LLC	171.23(a)(1), 171.23(a)(3)	To modify the special permit to authorize a cylinder in transportation or a cylinder filled prior to the expiration of the authorized service life to be transported to be emptied. (modes 1, 3).
21195-M	Panasonic Energy Corporation of America.	173.185(c)	To modify the special permit to authorize an additional lithium metal cell, to update the cell testing requirements, and to authorize an additional location. (mode 1).
21222-M	Bren-Tronics, Inc	172.101(j), 173.185(b)(1)	To modify the special permit to reflect changes to cell and battery designs. (mode 4).
21300-M	Distributor Operations, Inc.	172.200, 172.300, 172.400, 173.159(e).	To modify the special permit to remove the requirement to label compartments containing lithium batteries. (mode 1).
21139-M	KULR Technology Corporation	172.600, 172.200, 172.300, 172.700(a), 172.400, 172.500, 173.185(b).	To modify the special permit to authorize an alternative shipping document, to remove the reference to ferry vessel operations, and to clarify the requirement in paragraph 7.b.(2). (modes 1, 2).

[FR Doc. 2023-20730 Filed 9-22-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety

has received the application described herein.

DATES: Comments must be received on or before October 25, 2023.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 11, 2023.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data			
21617-N	Astra Space Operations, Inc ...	173.301(f), 173.302a(a)(1)	To authorize the transportation in commerce of non-DOT specification cylinders that are not equipped with pressure relief devices. (spacecraft). (mode 1).
21619-N	Decade Products, LLC	173.185(f)(1), 173.185(f)(3)	To authorize the manufacture, mark, sale, and use of specially designed packagings for the transportation in commerce of damaged, defective, or recalled lithium cells and batteries, including those contained in or packed with equipment. (modes 1, 2, 3).
21620-N	3rd Light Ltd. (China)	172.200(a), 172.320(a), 172.400(a), 172.500(a), 173.60(a), 173.63(b).	To authorize the transportation in commerce of the Division 1.4S articles specified herein as limited quantities. (modes 1, 2).
21624-N	Porsche Logistik GmbH	172.101(j)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg net weight aboard cargo-only aircraft. (mode 4).
21625-N	Brainerd Helicopter Services, Inc.	172.400, 172.101(j), 172.200, 172.204(c)(3), 172.301(c), 173.27(b)(2), 175.75.	To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 135 aircraft without being subject to certain hazard communication requirements, quantity limitations and certain loading and stowage requirements. (mode 4).
21626-N	The Battery Store LLC	173.185(a)(1), 173.185(a)(1)(i)	To authorize the transportation of 6 pieces of 12V 100ah lithium ion batteries individually packaged that need to be transported to Hawai'i. (modes 1, 4).
21628-N	Best Pure (USA) Inc	178.46(a)	To authorize the transportation of carbon dioxide 3AL cartridges within the United States. (mode 1).

[FR Doc. 2023-20731 Filed 9-22-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of

Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before October 25, 2023.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline

and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 11, 2023.

Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
Special Permits Data—Granted			
7835-M	Versum Materials US, LLC	172.301(c), 177.848(d)	To modify the special permit to authorize DOT-SP 15267 packagings.
14163-M	Air Liquide Electronics U.S. LP	173.301(g)(1)(ii)	To modify the special permit to authorize an additional hazardous material.
14266-M	GTM Manufacturing, LLC	173.302(a)(1), 173.304(a)	To modify the special permit to authorize a service life extension program for the cylinders.
15343-M	Desert Air Transport, Inc	172.101(j), 173.242	To modify the special permit to authorize an additional packaging.
15963-M	Jack Harter Helicopters, Inc ...	172.200, 175.75, 172.300, 172.400, 173.27, 175.30, 175.33, 175.75, 175.1, 175.3, 178.1.	To modify the special permit to authorize 14 CFR Part 135 aircraft, additional hazardous materials, and alternative packagings.
20356-M	Tesla, Inc	172.101(j)	To modify the special permit to authorize an additional cell type.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20796-M	SodaStream USA Inc.	172.400, 172.200, 172.300, 171.2(k), 172.700(a), 172.500.	To modify the special permit to authorize additional outer packagings.
20851-M	Call2recycle, Inc	172.600, 172.200, 172.700(a)	To modify the special permit to authorize transportation other than that for recycling.
21139-M	KULR Technology Corporation	172.600, 172.200, 172.300, 172.700(a), 172.400, 172.500, 173.185(b).	To modify the special permit to authorize ferry and cargo vessel, to authorize additional hazardous materials, and to increase the gross weight of the package.
21433-N	Pyrotek Special Effects Lititz ..	173.306(k)	To authorize the transportation of used and partially full 2Q cans of flammable gas (Salamander or G-Flame cans) under 49 CFR § 107.306(k).
21478-N	Fibre Drum Sales, Inc	172.200, 172.500	To authorize the transportation in commerce of intermediate bulk containers (IBCs), containing only a residue of a hazardous material, in the manner authorized for non-bulk packagings in 49 CFR 173.29(c).
21491-N	Hanwha Cimarron LLC	173.302(a)	To authorize the manufacture, mark, sale, and use of a non-DOT specification fully wrapped carbon fiber reinforced composite cylinder with a non-load sharing plastic liner for the purpose of transporting certain non-liquefied compressed gases in commerce. This cylinder meets all of the requirements of the ISO 11515 Standard.
21533-N	Samsung SDI Co., Ltd	172.101(j)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft.
21549-N	Repligen Corporation	173.222(c)(2)(ii)	To authorize the transportation in commerce aboard aircraft of dangerous goods in apparatus containing a total net quantity of liquid hazardous material exceeding 0.5 L.
21578-N	Korean Air Lines Co., Ltd	172.101(j), 175.30(a)(1)	To authorize the transportation in commerce of certain explosives that are forbidden for transportation aboard cargo-only aircraft.
21596-N	Federal Cartridge Company ...	173.56(b)	To authorize the transportation in commerce of wet smokeless powder, alone or with combustible and non-combustible waste.
21612-N	Apex Logistics International Inc.	172.200, 172.300, 172.400, 173.185.	To authorize the transportation of lithium-ion batteries for the purposes of repackaging.
21621-N	US Army Corps of Engineers	171-180	To authorize the transportation in commerce of diesel fuel in bulk packages in support of Maui wildfire recovery and relief efforts.
21622-N	National Air Cargo Group, Inc	172.101(j)(1), 173.27(b)(2), 175.30(a)(1).	To authorize the transportation in commerce aboard cargo-only aircraft of articles containing toxic gas, n.o.s. (anhydrous ammonia) contained within a spacecraft (satellite).

Special Permits Data—Denied

21613-N	Park Nicollet Methodist Hospital.	107.107	Park Nicollet Methodist Hospital in accordance with the Department of Transportation Hazardous Materials Regulations in 49 CFR 107.107, is requesting party status to DOT-SP 20255.
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Special Permits Data—Withdrawn

21567-N	Spaceflight, Inc	173.185(a)(1), 173.185(b)(5) ...	To authorize the transportation in commerce of prototype lithium batteries integrated into a shipping container intended to transport spacecraft.
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[FR Doc. 2023-20729 Filed 9-22-23; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Information Reporting for Form 1099-NEC

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1099-NEC, *Nonemployee Compensation*.

DATES: Written comments should be received on or before November 24, 2023 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, “OMB Number: 1545-0116—Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala,

at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Nonemployee Compensation.

OMB Number: 1545–0116.

Form Project Number: Form 1099–NEC.

Abstract: Form 1099–NEC is used to report nonemployee compensation, nonqualified deferred compensation (NQDC) and cash payments for fish.

Current Actions: Editorial changes being made to the form and instructions, to update the tax year references will have a nominal effect on burden. Updates to the estimated number of annual responses for Form 1099–NEC will increase the overall burden estimate by 16,353,674 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organization, and not-for-profit institution.

Estimated Number of Responses: 101,154,000.

Estimated Time per Respondent: 13 min.

Estimated Total Annual Burden Hours: 22,253,880.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 19, 2023.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2023–20720 Filed 9–22–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request Concerning Information Reporting for Form W–14

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning burden related to Form W–14, *Certificate of Foreign Contracting Party Receiving Federal Procurement Payments*.

DATES: Written comments should be received on or before November 24, 2023 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to pra.comments@irs.gov. Please include, “OMB Number: 1545–2263—Public Comment Request Notice” in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or

through the internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Certificate of Foreign Contracting Party Receiving Federal Procurement Payments.

OMB Number: 1545–2263.

Form Project Number: Form W–14.

Abstract: Form W–14 is completed by foreign contracting parties and is used to claim an exemption from withholding, in whole or in part, from the 2% tax imposed by section 5000C.

Section 5000C imposes a 2% tax on the gross amount of specified Federal procurement payments that foreign persons receive pursuant to certain contracts with the U.S. Government. Form W–14 is completed by foreign contracting parties and is used to claim an exemption from withholding, in whole or in part, from the 2% tax. Form W–14 is provided to the government department or agency that is a party to the contract.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Federal Government.

Estimated Number of Responses: 2,000.

Estimated Time per Respondent: 5 hrs., 55 min.

Estimated Total Annual Burden Hours: 11,840.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 20, 2023.

Ronald J. Durbala,
IRS Tax Analyst.

[FR Doc. 2023-20721 Filed 9-22-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee Public Meeting— October 24, 2023 (Day One) and October 25, 2023 (Day Two)

ACTION: Notice of meeting.

Pursuant to United States Code, title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for October 24–25, 2023.

Date: October 24, 2023, and October 25, 2023.

Time: 10 a.m. to 4:30 p.m. ET (October 24, 2023) and 9 a.m. to 1:30 p.m. ET (October 25, 2023).

Location: 2nd Floor Conference Rooms, United States Mint, 801 9th Street NW, Washington, DC 20220.

Subject: Swearing-in of new CCAC member (October 24, 2023); review and discussion of candidate designs for the Benjamin Ferencz Congressional Gold Medal (October 24, 2023); review and discussion of candidate designs for the five 2025 American Women Quarters (October 24, 2023); review and discussion of candidate designs for the 2025 American Liberty Gold Coin and Silver Medal (October 25, 2023); review and approval of FY 2023 CCAC Annual Report (October 25, 2023); and discussion of recommendations for FY 2024 CCAC Annual Report and Report of the Future Numismatic Themes Working Group (October 25, 2023).

Interested members of the public may either attend the meeting in person or

dial in to listen to the meeting. If you will be attending in person, please contact Jennifer Warren (jennifer.warren@usmint.treas.gov) no later than October 16, 2023. To listen to the meetings please use the following numbers [Please note individual Access Code for each meeting day]:

October 24, 2023: 332-249-0718 and

Access Code: 738991705#

October 25, 2023: 332-249-0718 and

Access Code: 823964828#

Interested persons should call the CCAC HOTLINE at (202) 354-7502 for the latest update on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

Members of the public interested in attending the meeting in person will be admitted into the meeting room a first-come, first serve basis as space is limited. If you will be attending in person, please contact Jennifer Warren (jennifer.warren@usmint.treas.gov) no later than October 16, 2023. In addition, all persons entering a United States Mint facility must adhere to building security protocols. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they enter and leave the facility and are prohibited from bringing into the facility weapons of any type, illegal drugs, drug paraphernalia, or contraband. The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon Federal law, Treasury policy, United States Mint policy, and local operating procedures; and all prohibited and unauthorized items will be subject to confiscation and disposal. Public will need to provide a government id (*e.g.*, driver's license) to enter the building.

For members of the public interested in listening in or attending in person, this is a reminder that the public attendance is for listening purposes only. Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by email to info@ccac.gov.

For Accommodation Request: If you need an accommodation to listen to the CCAC meeting, please contact the Office Equal Employment Opportunity by October 16, 2023. You can submit an email request to ReasonableAccommodations@usmint.treas.gov or call 202-354-7260 or 1-888-646-8369 (TTY).

FOR FURTHER INFORMATION CONTACT:

Jennifer Warren, United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202-354-7208.

(Authority: 31 U.S.C. 5135(b)(8)(C))

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2023-20701 Filed 9-22-23; 8:45 am]

BILLING CODE 4810-37-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0846]

Agency Information Collection Activity: VA Financial Services Center (VA-FSC) Vendor File Request Form

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 24, 2023.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Grant Bennett, Office of Regulations, Appeals, and Policy (10BRAP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to Grant.Bennett@va.gov. Please refer to "OMB Control No. 2900-0846" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Avenue NW, Washington, DC 20420, (202) 266-4688 or email maribel.aponte@va.gov. Please refer to “OMB Control No. 2900-0846” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA’s functions, including whether the information will have practical utility; (2) the accuracy of VHA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use

of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: VA Financial Services Center (VA-FSC) Vendor File Request Form (VA Form 10091).

OMB Control Number: 2900-0846.

Type of Review: Revision of a currently approved collection.

Abstract: The authorizing statute for this data collection falls under 31 U.S.C. 3701 and Public Law 104-134, section 31001, Debt Collection Improvement Act of 1996. The mission of the Nationwide Vendor File Division of the Department of Veterans Affairs—Financial Services Center (VA-FSC) is to add, modify, or delete vendor records in the Financial Management Services (FMS) vendor file. The VA-FSC FMS vendor file controls aspects of when, where, and how vendors are paid. There are currently more than 2.4 million active vendor records in FMS.

The VA-FSC Vendor File Request Form, VA Form 10091, was previously created to streamline the data required to establish a vendor record from multiple sources into a single form. VA-FSC developed a web-based version of

the 10091, in addition to the paper version, and will fully transition to use of the web-based form. VA now seeks a routine three-year renewal of the previous OMB PRA clearance. VA Form 10091 will be used throughout the VA to gather essential payment data from vendors (commercial, individuals, Veterans, employees, etc.) to establish or update vendor records in order to process electronic payments through the ACH network to the vendor’s financial institution.

Affected Public: Individuals or households.

Estimated Annual Burden: 37,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 150,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2023-20708 Filed 9-22-23; 8:45 am]

BILLING CODE 8320-01-P

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