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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Doc. No. AMS–SC–23–0007]

Raisins Produced From Grapes Grown in California; Temporary Suspension of Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule temporarily suspends the continuance referendum requirement under the Federal marketing order for California raisins. The continuance referendum scheduled between November 2023 and November 2025 overlaps with the timeframe the Agricultural Marketing Service (AMS) plans to conduct a formal rulemaking to amend the marketing order. This suspension delays the enforcement of the continuance referendum requirement to give precedence to the formal rulemaking process, which may include a producer referendum. In addition, if the marketing order is amended, this temporary suspension provides industry time to operate under the amended marketing order before the next scheduled continuance referendum.

DATES: Effective October 16, 2023, 7 CFR 989.91(c) is stayed through November 26, 2029. Comments received by November 15, 2023 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or via internet at: <https://www.regulations.gov>. Comments should

reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this rule will be included in the record and will be made available to the public on the internet at the address provided above. Please be advised that the identity of the individuals or entities submitting the comments will be made public.

FOR FURTHER INFORMATION CONTACT: Christy Pankey, Marketing Specialist, or Matthew Pavone, Branch Chief, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; Fax: (202) 720–8938, or Email: MarketOrderComment@usda.gov.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or Email: Richard.Lower@usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 989, both as amended (7 CFR part 989), hereinafter referred to as the “Order,” and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Raisin Administrative Committee (Committee) locally administers the Order and is comprised of growers and handlers of raisins operating within the area of production and a public member. The Committee consists of 47 members of whom 35 shall represent producers, 10 shall represent handlers, 1 shall represent the cooperative bargaining association(s) and 1 shall be a public member.

The Agricultural Marketing Service (AMS) is issuing this rule in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 directs agencies to conduct proactive outreach to engage interested and affected parties through a variety of means, such as through field offices, and alternative platforms and media. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this rule is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed no later than 20 days after the date of the entry of the ruling.

This rule temporarily suspends the continuance referendum requirement under section 989.91(c). On October 20,

2022, the Committee recommended amending the marketing order through formal rulemaking and, in a separate request, recommended the suspension of the continuance referendum scheduled to occur sometime between November 2023 and November 2025. The Committee believes the suspension would eliminate any potential confusion among producers voting in two referendums in a two-year period.

Section 989.91(b) states that the Secretary shall terminate or suspend the operation of any or all provisions of the Order, whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the Act. Section 989.91(c) specifies the Secretary shall conduct a referendum no less than five crop years and no later than six crop years from November 26, 2018, to ascertain whether continuance of the Order is favored by producers. The requirement also specifies that subsequent referenda be conducted every six crop years thereafter. By this requirement, the timing of the next continuance referendum is scheduled to occur sometime between November 2023 and November 2025. AMS identifies this period as the same period when the formal rulemaking process would occur, which may also include its own referendum vote. In view of the anticipated time necessary to complete the proposed formal rulemaking action and the likelihood of an amendatory referendum being conducted within two years of the scheduled continuance referendum, AMS determined that the continuance referendum requirement should be suspended to minimize confusion among voters. Secondly, AMS determined that to conduct a continuance referendum during the same period for when the formal rulemaking is expected to occur would not allow the industry time to fully consider the impact of potentially new amendments to the Order. For these reasons, the continuance referendum requirement would not tend to effectuate the declared policy of the Act for that period of time, and therefore, AMS has determined not to conduct the continuance referendum at the time required by the Order.

Alternatively, AMS considered suspending the continuance referendum until immediately after the conclusion of the formal rulemaking. However, this timing would still result in multiple referenda occurring within the same 2-year period, which may cause voter confusion, and would prevent producers from having adequate time to evaluate any potential results of the amendatory process before voting on the continuance of the Order. To address

these temporal concerns, AMS determined that the suspension of the continuance referendum requirement should extend until 2029, which is on course with the original structure of the timeframe under the Order as discussed in the preceding paragraph. This suspension would provide industry and the Committee time to assess the benefits of amendments resulting from the formal rulemaking, if any, prior to the continuance referendum, prevent any voter confusion, and also maintain the structure of the timetable in the Order. Based on that timetable, a continuance referendum would be conducted to determine if California raisin producers sufficiently support the Order as amended.

This rule suspends the continuance referendum requirement under section 989.91(c). The next scheduled continuance referendum will be conducted sometime between November 2029 and November 2030.

A 30-day comment period is provided to allow interested persons to respond to this interim final rule. AMS will consider all written comments received prior to the issuance of a final rule.

Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS considered the economic impact of this action on small entities. Accordingly, AMS prepared this regulatory flexibility analysis. The purpose of the RFA is to fit regulatory actions to the scale of businesses that are subject to such actions so that small businesses will not be unduly or disproportionately burdened by the action. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought through group action of essentially small entities acting on their own behalf.

Presently, there are approximately 18 handlers of raisins subject to regulation under the Order and approximately 2,000 raisin producers in the regulated area.

Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than \$4,000,000 (NAICS code 111332, Grape Vineyards). Small agricultural service firms are defined by the SBA as those having annual receipts of less than \$34,000,000 (NAICS code 115114, Postharvest Crop Activities) (13 CFR 121.201).

Using USDA National Agricultural Statistics Service (NASS) data, the 2021 season average value of utilized production of California processed raisin-type grapes (most of which are

dried into raisins) is \$393.649 million. Dividing that figure by 2,000 producers yields an annual average revenue per producer of \$196,825, well below the SBA large farm size of threshold of \$4,000,000. In terms of annual sales of processed raisin-type grapes, the majority of producers may be classified as small entities.

Dividing the \$393.649 million crop value figure by 18 handlers yields an average annual sales per handler estimate of \$21,869,389. This annual average sales figure is measured at the producer-level crop value, and to draw conclusions about the proportion of small handlers, a handler margin estimate is needed.

There is no current publicly available estimate of an average raisin handler margin, but a 1988 economic study of the California raisin industry estimated producer-handler average margins of about 30 percent for bulk raisin shipments and about 60 percent for packaged shipments. Current handler margins are likely somewhat smaller, since the study was completed more than three decades ago, and current bulk handling and packaging technologies are more efficient.

An alternative method to compute an average handler margin for packaged raisins is to compare the NASS season average grower price per ton for processed raisin-type grapes (converted to its dried weight equivalent) with an average price per ton for packaged raisins that USDA paid under its Commodity Procurement Program in recent years (\$1.41 per pound, \$2,820 per ton). The NASS 2021 season average grower price for raisin-type grapes was \$369 per ton. Using a standard conversion factor of 4.62 to convert to a dried-weight equivalent, the price per ton for raisins is \$1,705 ($\369×4.62). A computed handler margin estimate is 65 percent ($\$2,820 / \$1,705 - 1$). Since the Commodity Procurement average price includes shipping cost to recipient locations, the 65 percent margin is moderately overstated.

If a handler had annual raisin sales of exactly \$34 million (the SBA large firm size threshold) that would mean a handler margin of 55 percent above the producer level ($\$34,000,000 / \$21,869,389$).

Since both abovementioned margin estimates for packaged raisin shipments (60 and 65 percent) are close to the 55 percent margin implied by the \$34 million SBA size threshold, it can be concluded that there are raisin handlers with annual sales both above and below the size threshold. It is reasonable to assume that fewer than 9 of the 18 handlers have annual raisin sales well

above \$34 million. Therefore, more than 9, a majority of handlers, have raised sales below \$34 million and may be classified as small entities.

On October 20, 2022, the Committee recommended that AMS postpone the scheduled continuance referendum to avoid the referendum period overlapping with a formal rulemaking to amend the Order and any potential confusion it would otherwise cause producers. After considering the Committee's request, AMS determined that the scheduled continuance referendum should be suspended while AMS conducts a formal rulemaking to amend the Order and, if effectuated, while the industry operates under such amended Order.

Section 989.91(b) authorizes the Secretary to terminate or suspend the operation of any or all provisions of the Order, whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the act.

This interim final rule suspends the continuance referendum requirement under section 989.91(c) of the Federal marketing order regulating the handling of raisins produced from grapes grown in California. The next scheduled continuance referendum will be conducted no earlier than November 26, 2029. AMS will consider all comments received prior to publication of a final rule in the **Federal Register**.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581-0178, Vegetable and Specialty Crops. No changes are necessary in those requirements as a result of this rule. Should any changes become necessary, they would be submitted to OMB for approval.

This interim final rule does not impose any additional reporting or recordkeeping requirements on either small or large raisin handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this interim final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A small business guide on complying with fruit, vegetable, and specialty crop

marketing agreements and orders may be viewed at: <https://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this section 989.91(c) does not tend to effectuate the declared policy of the Act for the period specified herein and should be stayed for that period.

This interim final rule invites comments on the temporary suspension of the continuance referendum requirement under Marketing Order 989, which regulates the handling of raisins produced from grapes grown in California. A 30-day comment period is provided to allow interested persons to respond to this rule. All written comments timely received will be considered before a final rule is published in the **Federal Register**.

Good Cause Analysis

Pursuant to section 553(b)(B) of the Administrative Procedure Act, notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

AMS has determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect because this rule should be implemented as soon as possible since the continuance referendum period was originally scheduled during this time period and the potential formal rulemaking will likely begin soon, the Committee discussed this issue at public meetings and unanimously recommended a suspension of the continuance referendum, and the rule provides a comment period and any comments received will be considered prior to finalization of this rule.

For the reasons stated above, AMS also finds that good cause exists for the interim final rule to be effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing

Service amends 7 CFR part 989 as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 989.91 Suspension or termination.

■ 2. In § 989.91, paragraph (c) is stayed from October 16, 2023 through November 26, 2029.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023-22334 Filed 10-13-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524-AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU) Certification Process

AGENCY: National Institute of Food and Agriculture (NIFA), Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This amendment to NIFA regulations updates the list of institutions that are granted Hispanic-Serving Agricultural Colleges and Universities (HSACU) certification by the Secretary and are eligible for HSACU programs for the period starting July 1, 2023, and ending July 1, 2024.

DATES: This rule is effective October 16, 2023, and applicable July 1, 2023.

FOR FURTHER INFORMATION CONTACT: Amanda Sahinovic; Financial Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; 805 Pennsylvania Ave.; Kansas City, MO 64105; Voice: 816-266-9905; Email: HSACU@usda.gov.

SUPPLEMENTARY INFORMATION:

HSACU Institutions, 2023–2024: This rule makes changes to the existing list of institutions in appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting July 1, 2023, and ending July 1, 2024.

Certification Process: As stated in 7 CFR 3434.4, an institution must meet

the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not be designated an 1862 land-grant institution, (4) not appear on the Excluded Parties List System (EPLS), (5) be accredited, and (6) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completion data) during the 2020–21 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in appendix A of 7 CFR part 3434 and to confirm that over the 2019–2020 and 2020–21 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited.

The updated list of HSACUs is based on (1) completions data from 2019–20 and 2020–21, and (2) enrollment data from Fall 2021. NIFA identified 223 institutions that met the eligibility criteria to receive HSACU certification for fiscal year (FY) 2023 (July 1, 2023, to July 1, 2024).

Section 7102 of the Agriculture Act of 2018 (Pub. L. 115–334) amended Section 1404(14) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(14)) to remove the opt-in, opt-out language for Hispanic Serving Agricultural Colleges and Universities (HSACU) in order to apply for Non Land-Grant College of Agriculture (NLGCA) designation.

Appeal Process: As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this rule.

Classification: This rule relates to public property, loans, grants, benefits, or contracts. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or

recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure, Agricultural research, education, extension, Federal assistance, Hispanic-serving institutions.

Accordingly, part 3434 of title 7 of the Code of Federal Regulations is amended as set forth below:

PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise appendix B to read as follows:

Appendix B to Part 3434—List of HSACU Institutions, 2023–2024

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting July 1, 2023, and ending July 1, 2024. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

Arizona (11)

Arizona State University Campus Immersion
Arizona Western College
Central Arizona College
Glendale Community College
Mesa Community College
Northern Arizona University
Phoenix College
Pima Community College
Rio Salado College
Scottsdale Community College
South Mountain Community College

California (95)

American River College
Antelope Valley Community College District
Bakersfield College
Butte College
Cabrillo College
California Baptist University
California State Polytechnic University—Humboldt
California State Polytechnic University—Pomona
California State University—Bakersfield
California State University—Channel Islands
California State University—Chico
California State University—East Bay
California State University—Fresno
California State University—Fullerton
California State University—Long Beach
California State University—Los Angeles
California State University—Monterey Bay
California State University—Northridge
California State University—Sacramento
California State University—San Bernardino
California State University—San Marcos
California State University—Stanislaus

Chaffey College
Citrus College
City College of San Francisco
Clovis Community College
College of San Mateo
College of the Canyons
College of the Desert
College of the Sequoias
Cosumnes River College
Crafton Hills College
Cuesta College
Cypress College
Diablo Valley College
East Los Angeles College
El Camino Community College District
Evergreen Valley College
Foothill College
Fresno City College
Fresno Pacific University
Fullerton College
Glendale Community College
Hartnell College
Imperial Valley College
Las Positas College
Long Beach City College
Los Angeles City College
Los Angeles Mission College
Los Angeles Pierce College
Los Angeles Southwest College
Merced College
MiraCosta College
Mission College
Modesto Junior College
Monterey Peninsula College
Moorpark College
Mt San Antonio College
Mt San Jacinto Community College District
Napa Valley College
Oxnard College
Palo Verde College
Palomar College
Pasadena City College
Porterville College
Reedley College
Rio Hondo College
Riverside City College
Sacramento City College
Saddleback College
Saint Mary's College of California
San Bernardino Valley College
San Diego City College
San Diego Mesa College
San Diego State University
San Francisco State University
San Jose State University
Santa Ana College
Santa Monica College
Santa Rosa Junior College
Solano Community College
Sonoma State University
Southwestern College
University of California—Irvine
University of California—Riverside
University of California—Santa Barbara
University of California—Santa Cruz
University of La Verne
University of Redlands
Ventura College
West Hills College—Coalinga
West Los Angeles College
Whittier College
Woodland Community College
Yuba College

Colorado (5)

Colorado State University Pueblo

Community College of Denver
Metropolitan State University of Denver
Regis University
Trinidad State College

Connecticut (1)

Gateway Community College

Florida (11)

Ana G. Mendez University
Broward College
Florida Atlantic University
Florida International University
Indian River State College
Miami Dade College
Nova Southeastern University
Palm Beach State College
Seminole State College of Florida
University of Central Florida
Valencia College

Georgia (2)

Dalton State College
Georgia Gwinnett College

Illinois (7)

City Colleges of Chicago—Richard J Daley College
College of Lake County
Dominican University
North Park University
Northeastern Illinois University
Roosevelt University
University of Illinois Chicago

Indiana (1)

Goshen College

Kansas (1)

Seward County Community College

Massachusetts (1)

Bunker Hill Community College

Nevada (1)

University of Nevada—Las Vegas

New Jersey (9)

Atlantic Cape Community College
Essex County College
Hudson County Community College
Kean University
Middlesex College
Montclair State University
Passaic County Community College
Rutgers University—Newark
William Paterson University of New Jersey

New Mexico (8)

Central New Mexico Community College
Eastern New Mexico University—Main Campus
Eastern New Mexico University—Roswell Campus
Northern New Mexico College
Santa Fe Community College
University of New Mexico—Los Alamos Campus
University of New Mexico—Main Campus
Western New Mexico University

New York (15)

CUNY Bronx Community College
CUNY City College
CUNY Hostos Community College
CUNY Hunter College
CUNY LaGuardia Community College

CUNY Lehman College
CUNY Queens College
CUNY Queensborough Community College
Farmingdale State College
Manhattan College
Manhattanville College
Mercy College
Nassau Community College
Suffolk County Community College
SUNY Westchester Community College

North Carolina (1)

Sampson Community College

Oregon (1)

Chemeketa Community College

Puerto Rico (16)

Instituto Tecnológico de Puerto Rico—
Recinto de Manatí
Inter American University of Puerto Rico—
Aguadilla
Inter American University of Puerto Rico—
Barranquitas
Inter American University of Puerto Rico—
Bayamon
Inter American University of Puerto Rico—
Guayama
Inter American University of Puerto Rico—
Ponce
Inter American University of Puerto Rico—
San German
Pontifical Catholic University of Puerto
Rico—Ponce
Universidad Ana G. Mendez—Carolina
Campus
Universidad Ana G. Mendez—Cupey Campus
Universidad Ana G. Mendez—Gurabo
Campus
University of Puerto Rico—Arecibo
University of Puerto Rico—Humacao
University of Puerto Rico—Medical Sciences
University of Puerto Rico—Rio Piedras
University of Puerto Rico—Utua

Texas (33)

Amarillo College
Angelo State University
Austin Community College District
Central Texas College
Dallas College
Frank Phillips College
Huston—Tillotson University
Lee College
Lone Star College System
Odessa College
Palo Alto College
Saint Edward's University
San Antonio College
Southwest Texas Junior College
Southwestern University
St. Mary's University
Sul Ross State University
Tarrant County College District
Texas A & M University—Corpus Christi
Texas A & M University—Kingsville
Texas State Technical College
Texas State University
Texas Woman's University
The University of Texas at Austin
The University of Texas at El Paso
The University of Texas at San Antonio
The University of Texas Rio Grande Valley
Tyler Junior College
University of Houston
University of Houston—Clear Lake
University of North Texas

University of the Incarnate Word
Wayland Baptist University

Washington (4)

Big Bend Community College
Heritage University
Wenatchee Valley College
Yakima Valley College

Done at Washington, DC, this day of
October 10, 2023.

Drenda Williams,

*Associate Director for Operations, National
Institute of Food and Agriculture, U.S.
Department of Agriculture.*

[FR Doc. 2023–22718 Filed 10–13–23; 8:45 am]

BILLING CODE 3410–22–P

**NUCLEAR REGULATORY
COMMISSION****10 CFR Parts 50 and 52**

[NRC–2021–0179]

**Regulatory Guide: Alternative
Radiological Source Terms for
Evaluating Design Basis Accidents at
Nuclear Power Reactors**

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG), 1.183, “Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors.” This RG describes a method that the NRC staff considers acceptable in complying with regulations for design basis accident dose consequence analysis using an alternative source term. This guidance for light-water reactor (LWR) designs includes the scope, nature, and documentation of associated analyses and evaluations; consideration of impacts on analyzed risk; and content of submittals.

DATES: Revision 1 to RG 1.183 is available on October 16, 2023.

ADDRESSES: Please refer to Docket ID NRC–2021–0179 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0179. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

Revision 1 to RG 1.183 and the regulatory analysis may be found in ADAMS under Accession Nos. ML23082A305 and ML21204A066, respectively.

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FOR FURTHER INFORMATION CONTACT:

Michael Eudy, Office of Nuclear Regulatory Research, telephone: 301-415-3104, email: Michael.Eudy@nrc.gov, Mark Blumberg, Office of Nuclear Reactor Regulation, telephone: 301-415-1083, email: Mark.Blumberg@nrc.gov, and Joseph Messina, Office of Nuclear Reactor Regulation, telephone: 301-415-4226, email: Joseph.Messina@nrc.gov. All are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

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

The proposed Revision 1 to RG 1.183 was issued with a temporary identification of Draft Regulatory Guide, DG-1389. (ADAMS Accession No. ML21204A065).

This revision of the guide (Revision 1) addresses new issues identified since

the guide was originally issued. These include (1) using the term maximum hypothetical accident loss-of-coolant accident (LOCA) to clarify the accident that the staff finds acceptable to use to meet the description in the applicable regulations, identified in Section A of RG 1.183, Revision 1, with a clear delineation between source term assumptions and plant response; (2) adding transient release fractions from empirical data from in-pile, prompt power pulse test programs and analyses from several international publications of fuel rod performance under prompt power excursion conditions; (3) revising steady-state release fractions for accidents other than the LOCA based on a revision to the American National Standards Institute/American Nuclear Society Standard 5.4, "Method for Calculating the Fractional Release of Volatile Fission Products from Oxide Fuel"; (4) adding information to acknowledge that the RG may provide useful information for satisfying the radiological dose analysis requirements in parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR), for new LWR applicants, including advanced evolutionary and passive LWR design and siting; (5) providing additional guidance for modeling boiling-water reactor main steam isolation valve leakage; (6) adding guidance for accident tolerant fuel, high-burnup fuel, and increased enrichment source term analyses; (7) revising transport and decontamination models for the fuel handling design basis accident; (8) adding guidance for crediting hold-up and retention of main steam isolation valve leakage within the main steamlines and condenser for boiling-water reactors; and (9) providing additional guidance on meteorological assumptions.

II. Additional Information

The NRC published a notice of the availability of DG-1389 in the **Federal Register** on April 21, 2022 (87 FR 23891) for a 60-day public comment period. The public comment period closed on June 21, 2022. Public comments on DG-1389 and the staff responses to the public comments are available under ADAMS under Accession No. ML23082A309.

In the notice of availability for DG-1389, Section IV, "Specific Request for Comment," the NRC sought specific comments on the draft staff technical assessment titled, "Technical Assessment of Hold-up and Retention of Main Steam Isolation Valve Leakage within the Main Steam Lines and Main Condenser" (ADAMS Accession No. ML20085J042); the NRC staff did not

receive any public comments on the draft staff technical assessment. At this time, the staff has determined to incorporate the supporting technical basis information from that draft staff technical assessment into RG 1.183, Revision 1, Appendix A, Section A-5.5, rather than finalizing the draft staff technical assessment separately for inclusion in this RG. Accordingly, the reference to the draft staff technical assessment was deleted from the final RG.

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

III. Congressional Review Act

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

IV. Backfitting, Forward Fitting, and Issue Finality

Issuance of RG 1.183, Revision 1, does not constitute backfitting as defined in 10 CFR 50.109, "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests" (ADAMS Accession No. ML18093B087); affect the issue finality of an approval under 10 CFR part 52; or constitute forward fitting as defined and described in MD 8.4 because, as explained in RG 1.183, Revision 1, applicants and licensees are not required to comply with the positions set forth in this RG.

V. Submitting Suggestions for Improvement of Regulatory Guides

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

Dated: October 11, 2023.

For the Nuclear Regulatory Commission.

Stephen M. Wyman,

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

[FR Doc. 2023-22789 Filed 10-13-23; 8:45 am]

BILLING CODE 7590-01-P

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Chapter X

Consumer Information Requests to Large Banks and Credit Unions

AGENCY: Consumer Financial Protection Bureau.

ACTION: Advisory Opinion.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) is issuing this Advisory Opinion regarding section 1034(c) of the Consumer Financial Protection Act (CFPA), which requires large banks and credit unions to comply in a timely manner with consumer requests for information concerning their accounts for consumer financial products and services, subject to limited exceptions.

DATES: This Advisory Opinion is applicable as of October 16, 2023.

FOR FURTHER INFORMATION CONTACT: Colin Reardon or Yan Cao, Senior Counsels, Legal Division, at 202–435–7700. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION: The CFPB is issuing this Advisory Opinion through the procedures for its Advisory Opinions Policy.¹ Refer to those procedures for more information.

I. Background

Section 1034(c) of the CFPA requires large financial institutions to comply with consumer requests for information concerning their accounts in a timely manner.² This Advisory Opinion interprets this provision for the purpose of highlighting the obligations it imposes upon large financial institutions. The CFPB has not previously issued supervisory findings or pursued an enforcement action under this provision. This Advisory Opinion is the CFPB's first guidance regarding section 1034(c).³

Section 1034(c) applies to insured depository institutions and credit unions that offer or provide consumer financial products or services and that have total assets of more than \$10 billion, as well as their affiliates.⁴ The

provision states that, subject to certain exceptions, banks and credit unions with over \$10 billion in assets must “in a timely manner, comply with a consumer request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including supporting written documentation, concerning the account of the consumer.”⁵ Section 1034(c) is a current legal obligation that became effective on July 21, 2011.⁶

Congress placed section 1034(c) alongside provisions of the CFPA that establish a process for addressing consumer complaints submitted to the CFPB. Under sections 1034(a) and 1034(b), when a consumer submits a complaint or inquiry about a large bank or credit union, that entity “shall provide a timely response” to the CFPB, and the CFPB then provides a timely response to the consumer, including “any responses received” from the financial institution.⁷ Through section 1034(c), Congress established an additional, direct channel for consumers to request information from large banks and credit unions without routing their inquiry through the CFPB or another government entity. And like a complaint submitted to the CFPB, a request for information under section 1034(c) can lead to the identification and resolution of errors by a large bank or credit union involving a consumer's account.

Responding to consumer requests for information is critical for ensuring high levels of customer service and enabling consumers to resolve issues with their accounts when they encounter problems. Large banks and credit unions possess information that is vital to meet these customer needs. Too often, however, it can be difficult and time consuming for individual consumers to obtain a clear answer to questions or resolve an account issue. The CFPB has observed that some larger financial

supervisory and primary enforcement authority over insured depository institutions and insured credit unions with total assets of more than \$10 billion and over their affiliates). For convenience, this Bulletin generally refers to institutions subject to section 1034(c) as “large banks and credit unions.”

⁵ 12 U.S.C. 5534(c).

⁶ Subtitle C of the CFPA, which includes section 1034, became effective on “the designated transfer date.” Public Law 111–203, title X, sec. 1037. The designated transfer date was July 21, 2011. See Designated Transfer Date, 75 FR 57252, 57253 (Sept. 20, 2010); see also 12 U.S.C. 5582.

⁷ 12 U.S.C. 5534(a), (b); see also CFPB, Consumer Response Annual Report at 16–17 (Mar. 2023), https://files.consumerfinance.gov/f/documents/cfpb_2022-consumer-response-annual-report_2023-03.pdf (describing the consumer complaint process).

institutions have moved away from a traditional relationship banking model with an emphasis on providing customized help to individuals.⁸ Such individualized service is now generally reserved for high net-worth individuals, and is difficult for other households to find. For most consumers, larger banks and credit unions frequently rely on highly standardized processes rather than high-quality human interactions or digital channels that actually facilitate self-help. When a consumer has a question or problem, they typically cannot go to an individual at the bank or credit union who is already familiar with their account, such as the person that originally signed them up for the product. They are more likely to have to navigate a phone tree in the hope of speaking to the right person in a call center, to have to search through largely irrelevant material on a website to try to find the information they need, or to have to attempt to get a clear answer from a chatbot.⁹

On June 14, 2022, the CFPB issued a request for information asking the public to provide input on customer service obstacles they face in interacting with large banks and credit unions.¹⁰ Commenters relayed consumers' frustration and difficulty in obtaining critical information about their accounts.¹¹ This includes information

⁸ See CFPB, *Prepared Remarks of CFPB Director Rohit Chopra in Great Falls, Montana on Relationship Banking and Customer Service* (June 14, 2022), <https://www.consumerfinance.gov/about-us/newsroom/prepared-remarks-of-cfpb-director-rohit-chopra-in-great-falls-montana-on-relationship-banking-and-customer-service/>; see also FDIC, *FDIC Community Banking Study* at 4–1 (December 15, 2020), <https://www.fdic.gov/resources/community-banking/report/2020/2020-cbi-study-full.pdf> (noting that community banks “tend to focus on loans as relationships, originating loans that require local knowledge, a greater personal touch, individual analysis, and continued administration”).

⁹ See CFPB, *Chatbots in consumer finance* (June 6, 2023), <https://www.consumerfinance.gov/data-research/research-reports/chatbots-in-consumer-finance/chatbots-in-consumer-finance/> (observing that “automated responses can be highly scripted and simply direct customers to lengthy policy statements or FAQs, which may contain very little helpful information, if any”); see also Ron Shevlin, *The Human + Digital Challenge In Banking: Consumers Want Both* at 2, Cornerstone Advisors (2021), https://go.backbase.com/rs/987-MGR-655/images/Backbase_Cornerstone_Human_Digital.pdf (finding, based on consumer survey, that “[t]oday's consumers—even those at the younger end of the age spectrum—want and value high-quality human interactions in their financial lives” and that “[f]inancial institutions must quickly improve the quality of their digital channel experiences”).

¹⁰ See Request for Information Regarding Relationship Banking and Customer Service, 87 FR 36828 (June 21, 2022).

¹¹ See, e.g., Comment from Legal Services NYC at 2 (July 13, 2022), <https://downloads.regulations.gov/CFPB-2022-0040-0006/>

¹ 85 FR 77987 (Dec. 3, 2020).

² 12 U.S.C. 5534(c).

³ As a matter of prosecutorial discretion, the CFPB does not intend to seek monetary relief for violations of section 1034(c) that occur prior to February 1, 2024.

⁴ 12 U.S.C. 5534(c)(1) (provision applies to “a covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025”); see also *id.* sec. 5481(1), (6) (defining “affiliate” and “covered person”); *id.* sec. 5515(a)–(c) (CFPA section 1025 providing CFPB with

that consumers need to stay current and avoid fees or penalties; to identify and resolve errors; and to close accounts that no longer serve their interests.

Through section 1034(c), Congress ensured that as banks and credit unions grow larger they must continue to meet consumers' need for information necessary to manage their finances, and thus must provide timely responses to consumer requests for information concerning their accounts. Such responses help meet consumers' reasonable expectations for customer service.

II. Information Requests Under Section 1034(c)

A. Consumer Requests for Information Regarding Their Accounts

Section 1034(c) states that, subject to certain enumerated exceptions, large banks and credit unions "shall, in a timely manner, comply with a consumer request for information in the control or possession of [a large bank or credit union] concerning the consumer financial product or service that the consumer obtained from [the large bank or credit union], including supporting written documentation, concerning the account of the consumer."¹² Thus, section 1034(c) applies to a consumer's request for information to a large bank or credit union where the information concerns the consumer's account for a consumer financial product or service, is in the large bank or credit union's control or possession, and does not fall into an enumerated exception.

The CFPB defines "consumer financial product or service" to include several types of financial products or services that consumers may obtain from a large bank or credit union, including deposit and savings accounts, credit products such as mortgage loans

attachment_2.pdf (describing low-income clients who have difficulty obtaining "copies of their statements; records related to restraints placed on their accounts; copies of cashed checks or money orders; information on fees and charges placed on the account" among other information); Comment from Mobilization for Justice (July 22, 2022), https://downloads.regulations.gov/CFPB-2022-0040-0051/attachment_2.pdf (describing low-income consumers without internet access who cannot afford fees charged to obtain hard copies of account statements); Comment from Tzedek DC (Aug. 19, 2022), https://downloads.regulations.gov/CFPB-2022-0040-0084/attachment_1.pdf (describing disabled clients who were denied access to account information because of the presence of a retained attorney, and who could not obtain documents a large bank relied upon to close fraud disputes); see also Nonrulemaking Docket: Request for Information Regarding Relationship Banking and Customer Services (CFPB-2022-0040), comments available at <https://www.regulations.gov/docket/CFPB-2022-0040/comments>.

¹² 12 U.S.C. 5534(c)(1).

and credit cards, and loan servicing.¹³ Under section 1034(c), large banks and credit unions that offer or provide consumer financial products or services must comply with consumer requests for information regarding their accounts. That obligation applies even if consumers do not expressly invoke section 1034(c).¹⁴

Section 1034(c) applies to consumer requests for information "concerning" an account for a consumer financial product or service. The term "concerning" means "relating to" or "regarding" and therefore encompasses a wide range of information about a consumer's account.¹⁵ Information concerning an account would include account information that appears on periodic statements or on online account portals, such as the amount of the balance in a deposit account, the interest rate on a loan or credit card, and information regarding transactions or payments involving an account.¹⁶ It would include information regarding bill payment and other recurring transactions involving the account (e.g., a list of all recurring payments out of the account). It would also include the terms and conditions of the account, including a schedule of fees that may be charged on the account. It could also include information about the status of a lien on real property that was released (or should have been released) years before. Such information can be necessary for consumers to manage their accounts and resolve disputes with their

¹³ 12 U.S.C. 5481(5), (15)(A)(i), (iv). It should be noted that a consumer can receive services from a loan servicer (and thus "obtain" a consumer financial product or service from that servicer) even if the loan servicer is not the original creditor on the consumer's loan. See 12 U.S.C. 5481(5), (15)(A)(i).

¹⁴ Nothing in section 1034(c) states or suggests that a consumer must expressly indicate that they are making a request under that provision. See 12 U.S.C. 5534.

¹⁵ *Concerning*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/concerning#dictionary-entry-2> (last visited Oct. 5, 2023); see also *Concerning*, Oxford English Dictionary, https://www.oed.com/dictionary/concerning_prep?tab=meaning_and_use (last visited Oct. 5, 2023) (defining "concerning" to mean "[i]n reference or relation to; regarding, about").

¹⁶ With respect to periodic statements, Regulation DD describes information that must appear on periodic statements for deposit accounts held by depository institutions other than credit unions, see 12 CFR 1030.6(a), and NCUA regulations impose similar disclosure requirements for credit unions, see 12 CFR 707.6(b). Regulation E describes information that must appear on periodic statements for accounts to or from which electronic fund transfers can be made. See 12 CFR 1005.9. Regulation Z describes information that must appear on periodic statements for open-end credit plans (e.g., credit cards and home-equity lines of credit), see 12 CFR 1026.7, 1026.8, and for closed-end residential mortgage loans, see 12 CFR 1026.41.

bank or credit union, or with merchants or other third parties. In contrast, section 1034(c) does not apply to a consumer's request for information that is not specifically related to a consumer's account, such as information regarding a large bank or credit union's internal operating procedures, financial performance, marketing strategy, or training program for its employees.

In addition, section 1034(c) requires a large bank or credit union to comply with a consumer's request for "information . . . including supporting written documentation." The word "support" means "to assist," "help," or "provide with substantiation."¹⁷ Accordingly, through its reference to "supporting written documentation," section 1034(c) requires large banks and credit unions to provide consumers, upon request, with written documents that will substantiate information provided in response to consumer questions, or that will assist consumers with understanding or verifying information regarding their accounts. For example, under section 1034(c), a consumer seeking information about past transactions on their account could request copies of past periodic statements or check images. Similarly, a consumer seeking information regarding the terms and conditions governing their account could request a copy of their account agreement (including a copy of the original signed agreement).

Section 1034(c) requires large banks and credit unions to provide account information and supporting documentation to the extent it is in their "control or possession." The concepts of "control" and "possession" are familiar from other contexts involving requests for information, such as the discovery provisions in the Federal Rules of Civil Procedure and the Freedom of Information Act.¹⁸ In the context of section 1034(c), a bank or credit union "possesses" information that is known by its employees or that can be found

¹⁷ *Support*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/support> (last visited Oct. 5, 2023); see also *Supporting*, Oxford English Dictionary, https://www.oed.com/dictionary/supporting_adj?tab=meaning_and_use#19725899 (last visited Oct. 5, 2023) (defining "supporting" to mean "[t]hat provides evidence or authority for something; confirmatory, corroborative.").

¹⁸ See, e.g., Fed. R. Civ. P. 34 (concerning requests for documents in party's "possession, custody, or control"); *U.S. Dept. of Just. v. Tax Analysts*, 492 U.S. 136, 145 (1989) (stating that, with respect to requests under the Freedom of Information Act (FOIA), "the agency must be in control of the requested materials at the time the FOIA request is made" and that "[b]y control we mean that the materials have come into the agency's possession in the legitimate conduct of its official duties").

in its records, such as in its electronic or paper files.¹⁹ A bank or credit union can also “control” information that it does not physically possess, where it has the legal right, authority, or practical ability to obtain the information.²⁰ For example, a large bank or credit union would control information held by an affiliate or service provider where it has the right or ability to receive that information from the affiliate or service provider.

Large banks and credit unions are not required to provide information that falls within one of the four enumerated exceptions in section 1034(c).²¹ Specifically, those exceptions apply to (1) confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors; (2) information collected for the purpose of preventing fraud or money laundering, or detecting or making any report regarding other unlawful or potentially unlawful conduct; (3) information required to be kept confidential by any other provision of law; and (4) any nonpublic or confidential information, including confidential supervisory information.²²

In addition, section 1034(c) does not require a large bank or credit union to respond to a consumer information request in a specific form, such as in writing, orally, or electronically. In this regard, section 1034(c) differs from section 1033 of the CFPB, which requires that certain information be made available “in an electronic form.”²³

¹⁹ Cf. *Twentieth Century Fox Film Corp. v. Marvel Enterprises, Inc.*, 2002 WL 1835439, at *3 (S.D.N.Y. 2002) (noting, in context of Federal Rule of Civil Procedure 33, that a “corporation responding to interrogatories must provide . . . the information contained in its own files and possessed by its own employees”).

²⁰ Cf. *In re NTL, Inc. Securities Litigation*, 244 FRD. 179, 195 (S.D.N.Y. 2007) (construing “control” in Federal Rule of Civil Procedure 34).

²¹ 12 U.S.C. 5534(c)(2).

²² *Id.*

²³ Section 1033(a) requires that covered persons (not limited to large depository institutions) “make available . . . information,” including “in electronic form,” which can be used by third parties for the provision of products or services to the consumer. 12 U.S.C. 5533(a). Section 1033 governs consumer authorized third-party access to data made available in electronic form in connection with third-party provision of other products or services—including for example, the provision of a potentially competing account offering. This is why, for example, section 1033 is limited to data available in the normal course, and why section 1033 requires data to be “made available . . . in electronic form.” The CFPB is in the process of writing proposed regulations to implement section 1033 of the CFPB. See CFPB, *Required Rulemaking on Personal Financial Data Rights*, <https://www.consumerfinance.gov/personal-financial-data-rights/> (last visited Oct. 5, 2023).

B. Conditions That Unreasonably Impede Consumer Information Requests

Section 1034(c) provides that large banks and credit unions “shall, in a timely manner, comply” with consumer requests for information regarding their accounts for consumer financial products or services. It is well established that when the term “shall” is used in statutes, it generally means that something “is required.”²⁴ The addition of the word “comply”—which creates the phrase “shall . . . comply”—further indicates that section 1034(c) creates a mandatory obligation to do what the consumer requests.²⁵ Section 1034(c) thus grants consumers a right to request and receive account information that falls within the scope of the provision, and imposes a concomitant legal obligation on large banks and credit unions to respond to the consumer’s request and to provide such account information.

Large banks and credit unions do not have to provide information in any particular manner, or using particular means. However, a large bank or credit union would not comply with section 1034(c) if it imposed conditions or requirements on consumers’ information requests that unreasonably impeded consumers’ ability to request and receive account information. Under the plain language of section 1034(c), if a consumer makes a “request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person” that does not fall into one of the specified exceptions, and a large bank or credit union refuses to provide that information unless the consumer satisfies an unreasonable condition, the bank or credit union has failed to “comply” with the request.²⁶ Section 1034(c) does not contain any language stating or suggesting that a large bank or credit union may impose conditions that unreasonably impede consumers’ information requests. Such conditions, if permitted, would allow large banks and credit unions to frustrate and effectively nullify the right

²⁴ *Shall*, Black’s Law Dictionary (11th ed. 2019) (“This [definition] is the mandatory sense that drafters typically intend and that courts typically uphold.”); see *Shall*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/shall> (“shall” is “used in laws, regulations, or directives to express what is mandatory”) (last visited Oct. 5, 2023); see also *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) (recognizing that “shall” is “mandatory”).

²⁵ See *Reich v. Trinity Industries, Inc.*, 16 F.3d 1149, 1154 (11th Cir. 1994) (“shall comply” language in provision of Occupational Safety and Health Act was “mandatory”).

²⁶ 12 U.S.C. 5534(c).

granted in section 1034(c). And there is no reason to believe that Congress intended for section 1034(c) to allow that result.

By contrast, a large bank or credit union would not violate section 1034(c) in the context of reasonable conditions on consumer information requests. For example, large banks or credit unions might require that the person making the request verify their identity, identify their account, and describe the information they are seeking. Similarly, large banks or credit unions might require the consumer to comply with reasonable data security measures. These kinds of conditions, when implemented in a reasonable manner, would not unreasonably impede consumers’ ability to obtain information regarding their accounts.²⁷

As a general matter, requiring a consumer to pay a fee or charge to request account information, through whichever channels the bank uses to provide information to consumers, is likely to unreasonably impede consumers’ ability to exercise the right granted by section 1034(c), and thus to violate the provision. Some consumers cannot afford to pay even a small fee to obtain information about their accounts. Even for consumers who can afford such fees, the fees can operate as a significant deterrent to making an information request. Thus, a large bank or credit union’s practice of charging fees to respond to an information request would generally unreasonably impede consumers’ exercise of their rights under section 1034(c). Regardless of how a large bank or credit union labels or categorizes a fee on its fee schedule or other documents, section 1034(c) does not permit unreasonable impediments to a request for information about a consumer’s account. That likely includes charging fees (1) to respond to consumer inquiries regarding their deposit account balances; (2) to respond to consumer inquiries seeking the amount necessary to pay a loan balance; (3) to respond to a request for a specific type of supporting document, such as a check image or an original account agreement; and (4) for time spent on consumer inquiries seeking information

²⁷ Relatedly, the CFPB does not interpret section 1034(c) to preempt or otherwise supersede the requirements of other Federal or state laws and regulations designed to protect privacy and data security. This includes, for example, any restrictions that may be imposed in the CFPB’s upcoming rule implementing section 1033.

and supporting documents regarding an account.²⁸

At the same time, it would generally not violate section 1034(c) for a large bank or credit union to impose a fee or charge in certain limited circumstances. For example, a large bank or credit union might charge a fee to a consumer who repeatedly requested and received the same information regarding their account (e.g., repeatedly asked for a copy of the same document).²⁹ In that context, the large bank or credit union would have already met its obligation under section 1034(c) by complying with the consumer's earlier requests.

A large bank or credit union may also violate section 1034(c) by imposing other conditions or obstacles that unreasonably impede consumers' ability to make an information request. Depending on the facts and circumstances, such conditions or obstacles could include forcing consumers to endure excessively long wait times to make a request to a customer service representative, requiring consumers to submit the same request multiple times, requiring consumers to interact with a chatbot that does not understand or adequately respond to consumers' requests, or directing consumers to obtain information that the institution possesses from a third party instead.³⁰ Such conditions or obstacles may frustrate consumers' ability to exercise their right to request information under section 1034(c), and thus may violate that provision.

C. Timely Compliance With Consumer Information Requests

Section 1034(c) provides that large banks and credit unions "shall, in a timely manner, comply" with consumer requests for information.³¹ Section 1034(c) thus does not specify a fixed time limit for responding that applies to all information requests. The CFPB will consider the specific circumstances and nature of a particular request to determine compliance. For example, whether a response to a 1034(c) request

is timely may depend on the complexity of the request and/or the difficulty of responding. Where a request seeks basic information that is readily available to a large bank or credit union, to comply with section 1034(c) a bank or credit union would generally need to respond more quickly than if the request is more complex or seeks information that is less accessible. At the same time, even though a timely response for a complex request may involve a longer time period, that does not mean that large banks or credit unions can unduly delay their responses to more complicated requests.

What constitutes a timely response under section 1034(c) may also be informed by the timing requirements of other Federal laws and regulations with which large banks and credit unions must comply. For example, Regulation X requires mortgage servicers to respond to certain information requests within specific time periods depending on the nature of the requested information.³² A large bank or credit union that is subject to Regulation X and that exceeded Regulation X's timing requirements for an information request likely would not be responding "in a timely manner" for purposes of section 1034(c) with respect to that same information request. Conversely, a bank or credit union subject to Regulation X would likely respond "in a timely manner" for purposes of section 1034(c) if it provided a response that satisfied the timing requirements in Regulation X. Thus, where both section 1034(c) and another Federal law or regulation applies to the same consumer information request, the CFPB does not view section 1034(c)'s "timely manner" requirement as likely to impose timing requirements that differ from the specific timing requirements of the other applicable Federal law or regulation. The CFPB expects that large banks and credit unions will already have policies and procedures in place to meet the timing requirements of other applicable laws and regulations.

D. Accuracy and Completeness of Responses to Consumer Information Requests

By providing that large banks and credit unions "shall . . . comply" with consumer requests for information, section 1034(c) contemplates that large banks and credit unions will in fact provide consumers with the information they request to the extent it is in their control or possession. A large bank or credit union would violate section 1034(c) if it provided incomplete or

inaccurate information in response to a consumer's information request.

With respect to completeness, a large bank or credit union would not comply with section 1034(c) if, for example, the consumer asked for information about all of the consumer's transactions with a given merchant since the account was opened, and the large bank or credit union possesses transaction information going back seven years, but its response provides only transaction information going back one year. However, a large bank or credit union would not violate section 1034(c) by withholding information that falls within the scope of one of the enumerated exceptions in section 1034(c)(2).

With respect to accuracy, a large bank or credit union would not comply with section 1034(c) if it provided inaccurate information to consumers in response to their requests. For example, if a consumer asked the large bank or credit union the amount of a particular fee it charges for the consumer's account (e.g., the amount of a monthly maintenance fee for a deposit account), a large bank or credit union would not comply with section 1034(c) if it provided the wrong amount for that fee. In that circumstance, the large bank or credit union would not be providing responsive information in its control or possession (i.e., the correct amount of the fee).

The CFPB has noted in other contexts that Federal consumer financial laws generally apply regardless of the technology used by institutions.³³ The same principle applies to section 1034(c). Chatbots or other automated responses may serve to expedite responses in some cases; however, in the absence of appropriate checks and quality assurance processes, these tools can inadvertently misdirect inquiries or provide inadequate responses.³⁴ Large banks and credit unions may violate section 1034(c) if they employ technologies that do not properly recognize consumer information requests or that provide inaccurate or incomplete information in response to those requests.

²⁸ This is not intended to be an exhaustive list of the types of fees for consumer information requests that may be subject to section 1034(c).

²⁹ A consumer would not seek the same information by asking for information from a different time period where information can change over time (e.g., by requesting certain transaction information for the month of April and then later seeking the same type of information for the month of May).

³⁰ The CFPB has recently highlighted the risks posed by financial institutions' use of deficient chatbots. See CFPB, *Chatbots in Consumer Finance* (June 6, 2023), <https://www.consumerfinance.gov/data-research/research-reports/chatbots-in-consumer-finance/>.

³¹ 12 U.S.C. 5534(c)(1).

³² See 12 CFR 1024.36(d)(2).

³³ See, e.g., Consumer Financial Protection Circular 2022-03, "Adverse action notification requirements in connection with credit decisions based on complex algorithms" (May 2022), <https://www.consumerfinance.gov/compliance/circulars/circular-2022-03-adverse-action-notification-requirements-in-connection-with-credit-decisions-based-on-complex-algorithms/>.

³⁴ See CFPB, *Chatbots in consumer finance* (June 2023), <https://www.consumerfinance.gov/data-research/research-reports/chatbots-in-consumer-finance/chatbots-in-consumer-finance/>.

III. Summary of Section 1034(c) Obligations

The CFPB is providing this summary section to assist large banks and credit unions in complying with section 1034(c). This section is intended to serve as a simplified summary and a reference tool, and large banks and credit unions should refer to the legal analysis above for further detail and information.

As discussed above, when a bank or credit union with over \$10 billion in assets receives a request for information from a consumer relating to the consumer's account for a consumer financial product or service, section 1034(c) requires the bank or credit union to respond with information in its possession or control. The large bank or credit union must respond to the request in a timely manner; whether a response is timely may depend on the complexity of the request or difficulty of responding. Responses to consumer information requests must also be complete and accurate. Large banks and credit unions may respond to requests using any means or channels they choose.

Consumers need information regarding their accounts to manage their finances, and the Advisory Opinion describes examples of account information that must be provided upon request. Consumers can request information such as account balances, transaction history, interest rates, scheduled auto-payments, fees, or balances necessary to pay off a loan, and may also request supporting written documents such as copies or images of checks or original signed contracts. The obligation to respond does not include information that does not concern the individual consumer's account, such as internal operating procedures or policies, or the company's financial performance, marketing strategy, or training program for its employees. The obligation also does not apply to information that falls within the four enumerated exceptions in section 1034(c), including confidential information or information collected to prevent fraud or money laundering.

Section 1034(c) does not bar large banks and credit unions from imposing reasonable impediments on consumer information requests, such as reasonable identity verification and data security measures. But large banks and credit unions may not impose conditions that unreasonably impede consumers' information requests. The practice of charging fees to respond to an information request would generally unreasonably impede consumers'

exercise of their rights under section 1034(c), and thus violate the provision. Regardless of how a large bank or credit union labels or categorizes a fee on its fee schedule or other documents, section 1034(c) does not permit unreasonable impediments to a request for information about a consumer's account. That would likely include charging fees (1) to respond to consumer inquiries regarding their deposit account balance; (2) to respond to consumer inquiries seeking the amount necessary to pay a loan balance; (3) to respond to a request for a specific type of supporting document, such as a check image or an original account agreement; and (4) for time spent on consumer inquiries seeking information and supporting documents regarding an account. Depending on the circumstances, other kinds of conditions or obstacles may also violate section 1034(c), such as forcing consumers to endure excessive wait times, requiring consumers to submit the same request multiple times, requiring consumers to interact with a chatbot that does not adequately respond to requests, or directing consumers to obtain information from a third party.

As a matter of prosecutorial discretion, the CFPB does not intend to seek monetary relief for potential violations of section 1034(c) that occur prior to February 1, 2024.

IV. Regulatory Matters

The CFPB has concluded that the Advisory Opinion is an interpretive rule in part and a general statement of policy in part. Insofar as the Advisory Opinion constitutes an interpretive rule, it is issued under the CFPB's authority to interpret the Consumer Financial Protection Act, including under section 1022(b)(1) of the Consumer Financial Protection Act, which authorizes guidance as may be necessary or appropriate to enable the CFPB to administer and carry out the purposes and objectives of Federal consumer financial laws.³⁵

Insofar as the Advisory Opinion constitutes a general statement of policy, it provides background information about applicable law and articulates considerations relevant to the CFPB's exercise of its authorities. It does not confer any rights of any kind.

Pursuant to the Congressional Review Act,³⁶ the CFPB will submit a report containing this Advisory Opinion and other required information to the United States Senate, the United States House of Representatives, and the Comptroller

General of the United States prior to the rule's published effective date. The Office of Information and Regulatory Affairs has designated this interpretive rule as not a "major rule" as defined by 5 U.S.C. 804(2).

The CFPB has determined that this Advisory Opinion also does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.³⁷

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2023-22774 Filed 10-13-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2023-1998; Project Identifier MCAI-2023-01045-R; Amendment 39-22572; AD 2023-20-51]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and SA330J helicopters. This AD was prompted by a report of three newly supplied main rotor swashplate bushing retaining plates with oversized internal diameters. This AD requires accomplishing a one-time inspection to measure the internal diameter of affected bushing retaining plates and depending on the results, accomplishing an additional inspection, replacing non-conforming bushing retaining plates, or accomplishing additional corrective action, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA previously sent this AD as an emergency AD to all known U.S. owners and operators of these helicopters. The FAA is issuing this AD to address the unsafe condition on these products.

³⁵ 12 U.S.C. 5512(b)(1).

³⁶ 5 U.S.C. 801 *et seq.*

³⁷ 44 U.S.C. 3501-3521.

DATES: This AD is effective October 31, 2023. Emergency AD 2023–20–51, issued on October 2, 2023, which contained the requirements of this amendment, was effective with actual notice.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 31, 2023.

The FAA must receive comments on this AD by November 30, 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–2023–1998; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1998.

Other Related Service Information:

For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at airbus.com/en/products-services/helicopters/hcare-services/airbusworld. You may also view this service information at the FAA contact

information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT: Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474–5548; email william.mccully@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2023–1998; Project Identifier MCAI–2023–01045–R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](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 final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474–5548; email william.mccully@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 Emergency AD 2023–20–51, dated October 2, 2023 (the emergency AD), to address an unsafe condition on Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and SA330J helicopters. The FAA sent the emergency AD to all known U.S. owners and operators of these helicopters. The emergency AD requires accomplishing a one-time inspection to measure the internal diameter of affected bushing retaining plates and depending on the results, inspecting the scissor attachment ball joint seating or replacing non-conforming bushing retaining plates. Depending on the results of the scissor attachment ball joint seating inspection, the emergency AD requires accomplishing repair in accordance with a method approved by the FAA, EASA, or Airbus Helicopters’ EASA Design Organization Approval (DOA). Lastly, the emergency AD prohibits installing an affected bushing retaining plate unless it has passed its required inspection.

The emergency AD was prompted by EASA Emergency AD 2023–0174–E, dated October 2, 2023 (EASA AD 2023–0174–E), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition on Airbus Helicopters Model SA 330 J, AS 332 C, AS 332 C1, AS 332 L, AS 332 L1, and AS 332 L2 helicopters. EASA AD 2023–0174–E states that during an overhaul of a main rotor assembly, three newly supplied main rotor swashplate retaining bushes were identified as out of tolerance with a diameter of 39 mm (1.535 in.) instead of 31 mm (1.22 in.). EASA AD 2023–0174–E also states that affected retaining bushes may be installed on main rotor rotating and non-rotating swashplates.

You may examine EASA AD 2023–0174–E in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1998.

The FAA is issuing this AD to detect out of tolerance main rotor swashplate bushing retaining plates. This condition, if not addressed, could result in damage to the main rotor assembly and subsequent loss of control of the helicopter.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0174–E, which requires a one-time inspection to measure the internal diameter of affected retaining bushes and depending on the results, inspecting the scissor attachment ball joint seating or replacing non-

conforming retaining bushes. Depending on the results of the scissor attachment ball joint seating inspection, EASA AD 2023–0174–E requires contacting AH [Airbus Helicopters] for approved repair instructions and accomplishing those instructions accordingly. Lastly, EASA AD 2023–0174–E prohibits installing an affected retaining bush unless it has passed its required inspection. Additionally, EASA AD 2023–0174–E refers to a “bushing retaining plate” as a “retaining bush.”

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

Other Related Service Information

The FAA also reviewed Airbus Helicopters Emergency Alert Service Bulletins AS332–62–00–0001 and SA330–65–00–0003, each Revision 1 and dated September 29, 2023. This service information specifies procedures for measuring the internal diameter of the bush retainings on the rotating and non-rotating swashplates and, if at least one internal diameter of the three bush retainings is more than 33 mm (1.3 in.), contacting Airbus Helicopters, removing and discarding each out of tolerance bush retaining, and checking the ball joint seating on the support. If the ball joint is not properly seated on the support, this service information specifies contacting Airbus Helicopters to get a repair solution. Lastly, this service information specifies procedures for installing new bush retainings. Additionally, Airbus Helicopters refers to a “bushing retaining plate” as either a “bush retaining,” “stop ring,” “retaining bush,” or “locking ring” in its service information.

FAA’s Determination

These helicopters have been approved by the aviation authority of the European Union and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the European Union, EASA, its technical representative, has notified the FAA of the unsafe condition described in its emergency AD. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2023–0174–E, described previously, as incorporated by reference, except for

any differences identified as exceptions in the regulatory text of this AD and except as discussed under “Differences Between This AD and the EASA Emergency AD.”

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2023–0174–E is incorporated by reference in this FAA final rule. This AD, therefore, requires compliance with EASA AD 2023–0174–E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023–0174–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2023–0174–E. Service information referenced in EASA AD 2023–0174–E for compliance will be available at *regulations.gov* under Docket No. FAA–2023–1998 after this final rule is published.

Differences Between This AD and the EASA Emergency AD

The service information referenced in EASA AD 2023–0174–E specifies contacting Airbus Helicopters to get a repair solution and EASA AD 2023–0174–E requires contacting AH [Airbus Helicopters] for approved repair instructions and accomplishing those instructions accordingly if a scissor attachment ball joint is not properly seated, whereas this AD requires repair done in accordance with a method approved by the FAA, EASA, or Airbus Helicopters’ EASA DOA.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency,

upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that required the immediate adoption of Emergency AD 2023–20–51, issued on October 2, 2023, to all known U.S. owners and operators of these helicopters. The FAA found that the risk to the flying public justified waiving notice and comment prior to adoption of this rule because the affected components are part of an assembly that is critical to the control of a helicopter. As the FAA has no information pertaining to the quantity of non-conforming components that may currently exist in the U.S. fleet or how quickly the condition may propagate to failure, the actions required by this AD must be accomplished within two days. These conditions still exist, therefore, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 14 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the bushing retaining plates takes about 0.5 work-hour for an estimated cost of \$43 per helicopter and up to \$602 for the U.S. fleet. If required, replacing a non-conforming bushing retaining plate takes about 6 work-hours and parts cost about \$600 for an estimated cost of \$1,110 per replacement.

If required, inspecting the scissor attachment ball joint seating takes about 3 work-hours and costs about \$255 per helicopter. The corrective action that may be needed as a result of that

inspection could vary significantly from helicopter to helicopter. The FAA has no data to determine the costs to accomplish the corrective action or the number of helicopters that may require corrective action.

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, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2023–20–51 Airbus Helicopters:

Amendment 39–22572; Docket No. FAA–2023–1998; Project Identifier MCAI–2023–01045–R.

(a) Effective Date

The FAA issued Emergency Airworthiness Directive (AD) 2023–20–51 on October 2, 2023, directly to affected owners and operators. As a result of such actual notice, that emergency AD was effective for those owners and operators on the date it was provided. This AD contains the same requirements as that emergency AD and, for those who did not receive actual notice, is effective on October 31, 2023.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

(e) Unsafe Condition

This AD was prompted by a report of three newly supplied main rotor swashplate bushing retaining plates with oversized internal diameters. The FAA is issuing this AD to detect out of tolerance main rotor swashplate bushing retaining plates. The unsafe condition, if not addressed, could result in damage to the main rotor assembly and subsequent loss of control of the helicopter.

Note 1 to paragraph (e): European Union Aviation Safety Agency (EASA) Emergency AD 2023–0174–E, dated October 2, 2023 (EASA AD 2023–0174–E), refers to a "bushing retaining plate" as a "retaining bush." The service information referenced in EASA AD 2023–0174–E refers to a "bushing retaining plate" as either a "bush retaining," "stop ring," "retaining bush," or "locking ring."

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2023–0174–E.

(h) Exceptions to EASA AD 2023–0174–E

(1) Where EASA AD 2023–0174–E refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2023–0174–E states, "before next flight," for this AD, replace that text with, "within two calendar days."

(3) Where paragraph (2) of EASA AD 2023–0174–E specifies inspecting the scissor attachment ball joint seating without a compliance time, this AD requires that action before further flight.

(4) Where the service information referenced in EASA AD 2023–0174–E specifies discarding parts, this AD requires removing those parts from service.

(5) Where the service information referenced in EASA AD 2023–0174–E specifies contacting Airbus Helicopters if at least one internal diameter of the three bushing retaining plates is more than 33 mm (1.3 in), this AD does not require that action.

(6) Where the service information referenced in EASA AD 2023–0174–E specifies contacting Airbus Helicopters to get a repair solution and paragraph (4) of EASA AD 2023–0174–E requires contacting AH [Airbus Helicopters] for approved repair instructions and accomplishing those instructions accordingly if a scissor attachment ball joint is not properly seated, this AD requires repair done in accordance with a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) This AD does not adopt the "Remarks" section of EASA AD 2023–0174–E.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2023–0174–E specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

For more information about this AD, contact Dan McCully, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (404) 474–5548; email william.mccully@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this

paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2023-0174-E, dated October 2, 2023.

(ii) [Reserved]

(3) For EASA AD 2023-0174-E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

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

Issued on October 11, 2023.

Victor Wicklund,

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

[FR Doc. 2023-22856 Filed 10-12-23; 4:15 pm]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 53

[TD 9981]

RIN 1545-BJ53

Requirements for Type I and Type III Supporting Organizations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations providing guidance on the prohibition on certain gifts or contributions to Type I and Type III supporting organizations from persons who control a supported organization and on certain other requirements for Type III supporting organizations. The regulations reflect changes to the law made by the Pension Protection Act of 2006. The regulations affect certain Type I and Type III supporting organizations and their supported organizations.

DATES:

Effective date: These regulations are effective on October 16, 2023.

Applicability date: For dates of applicability, see § 1.509(a)-4(I).

FOR FURTHER INFORMATION CONTACT: Michael Gruccio at (202) 317-4541 or Don Spellmann at (202) 317-4086.

SUPPLEMENTARY INFORMATION:

Background

I. Overview

This document amends the Income Tax Regulations (26 CFR part 1) by adding final regulations under section 509(a) of the Internal Revenue Code (Code). These final regulations amend § 1.509(a)-4 to provide guidance on amendments to the Code enacted by section 1241 of the Pension Protection Act of 2006 (PPA), Public Law 109-280, 120 Stat. 780 (August 17, 2006).

An organization described in section 501(c)(3) of the Code is classified as either a private foundation or a public charity. To be classified as a public charity, an organization must be described in section 509(a)(1), (2), or (3). Organizations described in section 509(a)(3) are known as “supporting organizations.” Supporting organizations achieve their public charity status by providing support to one or more organizations described in section 509(a)(1) or (2), which, in this context, are referred to as “supported organizations.”

To be described in section 509(a)(3), an organization must satisfy (1) an organizational test, (2) an operational test, (3) a relationship test, and (4) a disqualified person control test. The organizational and operational tests require that a supporting organization be organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more supported organizations. The relationship test requires a supporting organization to establish one of three types of relationships with one or more supported organizations. A supporting organization that is operated, supervised, or controlled by one or more supported organizations is known as a “Type I” supporting organization. The relationship of a Type I supporting organization with its supported organization(s) is comparable to that of a corporate parent-subsidiary relationship. A supporting organization that is supervised or controlled in connection with one or more supported organizations is known as a “Type II” supporting organization. The relationship of a Type II supporting organization with its supported organization(s) involves common supervision or control by the persons supervising or controlling both the

supporting organization and the supported organization(s). A supporting organization that is operated in connection with one or more supported organizations is known as a “Type III” supporting organization and is discussed further in the remainder of this preamble. Finally, the disqualified person control test requires that a supporting organization not be controlled directly or indirectly by certain disqualified persons.

Sections 1241 through 1243 of the PPA revised the requirements for supporting organizations. These final regulations under § 1.509(a)-4 address section 1241’s five changes to the requirements an organization must satisfy to qualify as a Type III supporting organization.

II. PPA Changes to Type III Supporting Organizations

The PPA made the following five changes to the requirements an organization must satisfy to qualify as a Type III supporting organization:

(1) Section 1241(c) of the PPA removed the ability of a charitable trust to rely on the special rule under § 1.509(a)-4(i)(2)(iii) as then in effect, which allowed a trust to satisfy the attentiveness requirement of the integral part test for non-functionally integrated Type III supporting organizations if the supported organization was a beneficiary of the trust and state law allowed the beneficiary to enforce the trust and compel an accounting of the trust;

(2) Section 1241(d) of the PPA directed the Secretary of the Treasury or her delegate (Secretary) to promulgate regulations under section 509 that establish a new distribution requirement for Type III supporting organizations that are not “functionally integrated” (a non-functionally integrated (NFI) Type III supporting organization) to ensure that a “significant amount” is paid to supported organizations; for this purpose, the term “functionally integrated” means a Type III supporting organization that is not required under regulations to make payments to supported organizations, because the supporting organization engages in activities that relate to performing the functions of, or carrying out the purposes of, its supported organization(s);

(3) Section 1241(b) of the PPA required a Type III supporting organization to provide annually to each of its supported organizations the information required by the Department of the Treasury (Treasury Department) and the IRS (referred to in § 1.509(a)-4(i)(2) as the notification requirement)

to ensure that the supporting organization is responsive to the needs or demands of its supported organization(s);

(4) Section 1241(b) of the PPA also prohibited a Type III supporting organization from supporting any supported organization not organized in the United States; and

(5) Section 1241(b) of the PPA additionally prohibited a Type I or Type III supporting organization from accepting any gift or contribution from a person who, alone or together with certain related persons, directly or indirectly controls the governing body of a supported organization of the Type I or Type III supporting organization.

III. Prior Rulemaking

On August 2, 2007, the Treasury Department and the IRS published in the **Federal Register** (72 FR 42335) an advanced notice of proposed rulemaking (ANPRM) (REG-155929-06) in response to the PPA. The ANPRM described proposed rules to implement the changes made by the PPA to the Type III supporting organization requirements and solicited comments regarding those proposed rules.

On September 24, 2009, the Treasury Department and the IRS published a notice of proposed rulemaking (REG-155929-06) in the **Federal Register** (74 FR 48672) proposing regulations regarding certain requirements to qualify as a Type III supporting organization under the PPA (2009 proposed regulations). The 2009 proposed regulations set forth those proposed requirements in § 1.509(a)-4(i).

On December 28, 2012, the Treasury Department and the IRS published a Treasury Decision (TD 9605) in the **Federal Register** (77 FR 76382) containing final and temporary regulations under § 1.509(a)-4 regarding the requirements to qualify as a Type III supporting organization (2012 TD). Also on December 28, 2012, the Treasury Department and the IRS published a notice of proposed rulemaking (REG-155929-06) in the **Federal Register** (77 FR 76426) containing proposed regulations that incorporated the text of the temporary regulations in the 2012 TD by cross-reference. The temporary regulations in the 2012 TD made significant changes to the distribution requirement for NFI Type III supporting organizations. The 2012 TD adopted other aspects of the 2009 proposed regulations with some changes in response to comments and provided transition relief for Type III supporting organizations in existence on December 28, 2012, that met and continued to

meet the test under former § 1.509(a)-4(i)(3)(ii), known as the “but for” test, as in effect prior to December 28, 2012, treating them as functionally integrated until the first day of their second taxable year beginning after December 28, 2012. Upon expiration of this relief period, the 2012 TD requires these organizations to meet the same rules as all other supporting organizations to be considered functionally integrated. The preamble to the 2012 TD also identified issues for possible future rulemaking and requested comments.

On January 6, 2014, the Treasury Department and the IRS published Notice 2014-4, 2014-2 I.R.B. 274, to provide additional transition relief for any Type III supporting organization (1) supporting at least one supported organization that is a governmental entity to which the supporting organization is responsive (within the meaning of § 1.509(a)-4(i)(3)) and (2) engaging in activities for or on behalf of the governmental supported organization that perform the functions of, or carry out the purposes of, the governmental supported organization and that, but for the involvement of the supporting organization, would normally be engaged in by the governmental supported organization itself. Notice 2014-4 stated that such an organization will be treated as a functionally integrated Type III supporting organization until the earlier of the date final regulations under § 1.509(a)-4(i)(4)(iv) are published in the **Federal Register** or the first day of the organization’s third taxable year beginning after December 31, 2013.

On December 23, 2015, the Treasury Department and the IRS published a Treasury Decision (TD 9746) in the **Federal Register** (80 FR 79684) containing final regulations under § 1.509(a)-4(i) regarding the distribution requirement for NFI Type III supporting organizations, finalizing the rule in the 2012 proposed and temporary regulations with very minor changes (2015 final regulations). The preamble to the 2015 final regulations indicated that additional proposed regulations would be forthcoming to provide additional guidance for Type III supporting organizations, including specific rules under § 1.509(a)-4(i)(4)(iv) for Type III supporting organizations that support governmental supported organizations; the 2012 TD had reserved § 1.509(a)-4(i)(4)(iv). In addition, the preamble to the 2015 final regulations indicated that supporting organizations that support a governmental supported organization could continue to rely on Notice 2014-4 until the date of

publication of the new proposed regulations.

On February 19, 2016, the Treasury Department and the IRS published a notice of proposed rulemaking (REG-118867-10) in the **Federal Register** (81 FR 8446) containing proposed regulations under § 1.509(a)-4(f) and (i) regarding the prohibition on certain contributions to Type I and Type III supporting organizations and the requirements for Type III supporting organizations (2016 proposed regulations). The 2016 proposed regulations addressed issues identified in the preamble to the 2012 TD as well as the comments (six in total) on the 2012 TD and Notice 2014-4.

The Treasury Department and the IRS received six comments in response to the 2016 proposed regulations. The comments are available for public inspection at <https://www.regulations.gov> or upon request. No public hearing was requested. After considering the comments received, the Treasury Department and the IRS adopt the 2016 proposed regulations in these final regulations with certain revisions described in the Summary of Comments and Explanation of Revisions.

Summary of Comments and Explanation of Revisions

I. Overview

This Summary of Comments and Explanation of Revisions addresses the comments that the Treasury Department and the IRS received in response to the 2016 proposed regulations and describes the revisions adopted in these final regulations. As described in this Summary of Comments and Explanation of Revisions, these final regulations define the term “control” for purposes of section 509(f)(2), which prohibits a Type I or Type III supporting organization from accepting any gift or contribution from any person who controls the governing body of the supported organization(s). These final regulations also set forth additional rules and requirements for Type III supporting organizations, including (1) additional requirements to meet the responsiveness test for all Type III supporting organizations; (2) additional rules regarding the qualification of an organization as a functionally integrated Type III supporting organization under § 1.509(a)-4(i)(4), including specific rules for supporting organizations that support governmental supported organizations; and (3) additional rules regarding the required annual distributions under § 1.509(a)-4(i)(5) by an NFI Type III supporting organization.

II. Contributions From Controlling Donors—Meaning of Control

Section 509(f)(2) and § 1.509(a)–4(f)(5) prohibit Type I and Type III supporting organizations from accepting any gift or contribution from any person (other than an organization described in section 509(a)(1), (2), or (4)) who, alone or together with certain related persons (as described in § 1.509(a)–4(f)(5)(i)(B) or (C)), directly or indirectly controls the governing body of a supported organization of the Type I or Type III supporting organization, or from persons related to a person possessing such control. Section 509(f)(2) does not define “directly or indirectly controls.” The 2012 TD reserved § 1.509(a)–4(f)(5)(ii), titled “Meaning of control,” for future proposed regulations.

The 2016 proposed regulations proposed defining “control” consistently with the definition of control in § 1.509(a)–4(j), which relates to control by disqualified persons for purposes of the disqualified person control test in section 509(a)(3)(C) and § 1.509(a)–4(a)(4). In general, under the 2016 proposed regulations, the governing body of a supported organization is considered “controlled” by a person if that person, alone or by aggregating his or her votes or positions of authority with certain related persons described in § 1.509(a)–4(f)(5)(i)(B) or (C), may require the governing body of the supported organization to perform any act that significantly affects its operations or may prevent the governing body of the supported organization from performing any such act.

These final regulations adopt the definition of “control” proposed in the 2016 proposed regulations with minor changes to add clarity. These final regulations make clear that control exists if one or more persons described in § 1.509(a)–4(f)(5)(i)(A), (B), or (C) hold 50 percent or more of the total voting power of the governing body or have the right to exercise veto power over the actions of the governing body. These final regulations also incorporate language from § 1.509(a)–4(j)(1) to make clear that even if persons do not have control by virtue of having 50 percent or more of the voting power or a veto power, all pertinent facts and circumstances will be taken into consideration in determining whether such persons do in fact directly or indirectly control the governing body of a supported organization.

One commenter stated that if a parent supporting organization controls a supported organization, section 509(f)(2) would prohibit Type I and Type III supporting organizations of that

controlled supported organization from accepting any gift or contribution from the parent supporting organization. To allow these contributions, the commenter recommended excluding from the definition of control the control a parent supporting organization exercises over its supported organizations.

Section 509(f)(2) only excepts gifts or contributions from organizations described in section 509(a)(1), (2), and (4). Congress did not provide an exception for section 509(a)(3) organizations. For this reason, the commenter’s recommendation is not consistent with section 509(f)(2), and these final regulations do not adopt it.

III. Type III Supporting Organization Relationship Test

Section 1.509(a)–4(i)(1) provides that, for each taxable year, a Type III supporting organization must satisfy (i) a notification requirement, (ii) a responsiveness test, and (iii) an integral part test provided in the regulations. The 2016 proposed regulations proposed additional rules regarding each of these requirements. These final regulations adopt the 2016 proposed rules with the modifications described in this part III.

A. Notification Requirement

Section 509(f)(1)(A) provides that an organization will not be considered a Type III supporting organization unless the organization provides to each supported organization, for each taxable year, such information as the Secretary may require to ensure that the organization is responsive to the needs or demands of the supported organizations. To satisfy this notification requirement, § 1.509(a)–4(i)(2) requires a Type III supporting organization to provide to each of its supported organizations for each taxable year: (1) A written notice addressed to a principal officer of the supported organization describing the type and amount of all of the support it provided to the supported organization during the supporting organization’s preceding taxable year; (2) a copy of the supporting organization’s most recently filed Form 990, *Return of Organization Exempt from Income Tax*, or other annual information return required to be filed under section 6033; and (3) a copy of the supporting organization’s governing documents, including any amendments (unless previously provided and not subsequently amended). The 2016 proposed regulations proposed clarifying that for NFI Type III supporting organizations the description of support in the written

notice must include all of the distributions described in § 1.509(a)–4(i)(6) to the supported organization. These final regulations adopt this clarification.

Section 1.509(a)–4(i)(2)(iii) requires that the notification be transmitted by the last day of the fifth calendar month following the close of “that taxable year.” Due to the lack of clarity regarding the reference to “that taxable year,” the 2016 proposed regulations proposed amending § 1.509(a)–4(i)(2) to clarify that a supporting organization must deliver the required documents to each of its supported organizations by the last day of the fifth month of the supporting organization’s taxable year after the taxable year in which it provided the support it is reporting. The preamble to the 2016 proposed regulations stated that the proposed change is intended to reduce confusion but does not substantively change the due date or the content of the required notification. The preamble also stated that the date of delivery is determined by applying the general principles of section 7502. The final regulations adopt this proposed amendment without change.

One commenter requested clarification that the annual written notice may summarize all the programs and services a supporting organization performs for its supported organization. The Treasury Department and the IRS agree that a supporting organization may summarize its activities directly furthering the exempt purpose of the supported organization as long as that summary provides sufficient notice to the supported organization on the character of the activity and its related costs. The report must include a brief narrative description of the support provided and sufficient financial detail for the recipient to identify the types and amounts of support being reported.

B. Responsiveness Test

Section 1.509(a)–4(i)(3)(i) provides that a supporting organization meets the responsiveness test if it is “responsive to the needs or demands of a supported organization.” To meet this responsiveness test, an organization must satisfy two elements—the “relationship requirement” and the “significant voice requirement.” Under the relationship requirement, described in § 1.509(a)–4(i)(3)(ii), the officers, directors, or trustees of the organization must have one of three specified relationships with the officers, directors, or trustees (and in some cases the members) of the supported organization. Under the significant voice requirement, described in § 1.509(a)–4(i)(3)(iii), the

officers, directors, or trustees of the supported organization, by reason of their relationships described in § 1.509(a)–4(i)(3)(ii), must have a significant voice in the investment policies of the supporting organization, the timing of grants, the manner of making grants, and the selection of grant recipients by the supporting organization, and in otherwise directing the use of the income or assets of the supporting organization.

The preamble to the 2012 TD stated that, in determining the appropriate distribution amount for NFI Type III supporting organizations, the Treasury Department and the IRS considered the required relationship between a supporting organization and its supported organizations, and that the Treasury Department and the IRS intended to issue proposed regulations in the future that would amend the responsiveness test by requiring a Type III supporting organization to be responsive to all of its supported organizations.

In response to this proposal in the preamble to the 2012 TD, one commenter stated that a supporting organization should not be required to be responsive to all of its supported organizations because the resulting administrative burden would effectively limit the total number of organizations a supporting organization could support. The commenter suggested alternatives under which a supporting organization would be responsive to only a subset of its supported organizations that would vary from year to year.

As stated in the preamble to the 2016 proposed regulations, the distinguishing characteristic of Type III supporting organizations, and the basis for their public charity classification, is that they are responsive to and significantly involved in the operations of their publicly supported organizations. See § 1.509(a)–4(f)(4). Unless a Type III supporting organization is responsive to each of its supported organizations, the supported organizations cannot exercise the requisite level of oversight of and engagement with the supporting organization. Limiting the responsiveness requirement to fewer than all of the supported organizations may result in the necessary oversight and accountability being present for less than all of a supporting organization's operations. Consistent with this view, the 2016 proposed regulations proposed revising § 1.509(a)–4(i)(3)(i) to require a supporting organization to be responsive to the needs and demands of each of its supported organizations to meet the responsiveness test.

In addition, to illustrate how concerns about potential administrative burdens may be addressed consistent with the revised responsiveness test, the 2016 proposed regulations proposed a new Example 3 in § 1.509(a)–4(i)(3)(iv) to demonstrate one way in which a Type III supporting organization that supports multiple organizations may satisfy the responsiveness test in a manner that can be cost-effective. The Example shows that a supporting organization can meet the relationship requirement in § 1.509(a)–4(i)(3)(ii) in different ways with respect to each of its supported organizations. The Example also shows how a supporting organization can organize and hold regular meetings, provide information, and encourage communication to help ensure that its supported organizations have a significant voice in the operations of the supporting organization.

As noted in the preamble to the 2016 proposed regulations, another commenter in response to the preamble of the 2012 TD requested additional guidance regarding the ability of trusts to satisfy the significant voice requirement of the responsiveness test. The new Example 3 in the 2016 proposed regulations provides further illustration of how Type III supporting organizations, including charitable trusts, might satisfy the significant voice requirement of the responsiveness test. The Treasury Department and the IRS note that although the examples in the regulations relating to the responsiveness test may involve a Type III supporting organization that is organized as either a corporation or a trust, the applicable law and relevant regulatory provisions, as modified by the final regulations, are applicable to all Type III supporting organizations in the same manner, whether they are organized as corporations or trusts.

As the preamble to the 2016 proposed regulations stated, the Treasury Department and the IRS anticipate that Type III supporting organizations may be able to demonstrate that they satisfy the responsiveness test in a variety of ways, and that the determination will be based on all the facts and circumstances.

As a result of the proposed changes to the responsiveness test, the 2016 proposed regulations also include conforming changes to examples and other regulatory provisions, specifically, removing references to “supported organizations to which the supporting organization is responsive” since the supporting organization is to be responsive to each supported organization.

Two commenters to the 2016 proposed regulations address the responsiveness test, agreeing with the proposed amendments to § 1.509(a)–4(i)(3)(i) and the new example in § 1.509(a)–4(i)(3)(iv). Thus, these final regulations adopt these proposed amendments without change.

C. Integral Part Test—Functionally Integrated Type III Supporting Organizations

Section 1.509(a)–4(i)(1)(iii) provides that, for each taxable year, a Type III supporting organization must satisfy the integral part test. The integral part test under § 1.509(a)–4(i)(1)(iii) is satisfied by maintaining significant involvement in the operations of one or more supported organizations and providing support on which the supported organizations are dependent. To satisfy this test, a Type III supporting organization must meet the requirements either for a functionally integrated Type III supporting organization or for an NFI Type III supporting organization, as set forth in § 1.509(a)–4(i)(4) or (5), respectively.

One commenter to the 2016 proposed regulations stated that the cross reference in § 1.509(a)–4(d)(4)(i)(C) to the integral part test should be corrected to conform to the amendments made by the 2012 TD. The final regulations adopt this recommendation and revise § 1.509(a)–4(d)(4)(i)(C) to reference the requirements of the integral part test set forth in § 1.509(a)–4(i)(1)(iii).

A Type III supporting organization is functionally integrated under § 1.509(a)–4(i)(4) if it (1) engages in activities substantially all of which directly further the exempt purposes of one or more supported organizations and otherwise meets the requirements described in paragraph (i)(4)(ii) of that section, (2) is the parent of each of its supported organizations as described in paragraph (i)(4)(iii) of that section, or (3) supports a governmental supported organization and otherwise meets the requirements of paragraph (i)(4)(iv) of that section.

1. “Substantially All” Test

Section 1.509(a)–4(i)(4)(ii)(B) provides that all pertinent facts and circumstances will be taken into consideration in determining whether substantially all of a supporting organization's activities directly further the exempt purposes of its supported organization(s). One commenter to the 2016 proposed regulations requested that supporting organizations be given the option of meeting the “substantially all” test on average over a three- or five-year period. The commenter also

recommended that transition relief be provided if an organization does not meet the test over the most recent three or five years before the promulgation of final regulations.

The 2012 TD adopted the substantially all test in § 1.509(a)-4(i)(4)(ii). The 2012 TD also provided transition relief in § 1.509(a)-4(i)(11)(ii) for existing organizations to adjust to the new rules. The 2016 proposed regulations did not include any substantive changes to § 1.509(a)-4(i)(4)(ii). Furthermore, the substantially all test in § 1.509(a)-4(i)(4)(ii)(B) takes into consideration all pertinent facts and circumstances, which allows for some consideration of year-to-year changes in activities. Finally, the Treasury Department and the IRS note that the commenter's proposed multi-year averaging test would be complex, create uncertainty about a supporting organization's functionally integrated status at the close of each taxable year, and would be difficult to administer. For these reasons, the final regulations do not adopt this recommendation.

2. Parent of Each Supported Organization

Under § 1.509(a)-4(i)(4)(iii), a supporting organization is the parent of a supported organization, and thus is deemed to be functionally integrated, if the supporting organization exercises a substantial degree of direction over the policies, programs, and activities of the supported organization and a majority of the officers, directors, or trustees of the supported organization is appointed or elected, directly or indirectly, by the governing body, members of the governing body, or officers (acting in their official capacities) of the supporting organization.

As the 2009 proposed regulations noted, the classification of a parent organization as functionally integrated was intended to "apply to supporting organizations that oversee or facilitate the operation of an integrated system, such as hospital systems." To more fully accomplish this objective, the 2016 proposed regulations proposed a revision to § 1.509(a)-4(i)(4)(iii) clarifying that for a supporting organization to qualify as the parent of each of its supported organizations, the supporting organization and its supported organizations must be part of an integrated system (such as a hospital system), and the supporting organization must engage in activities typical of the parent of an integrated system. The 2016 proposed regulations stated that examples of these activities include (but are not limited to) coordinating the activities of the

supported organizations and engaging in overall planning, policy development, budgeting, and resource allocation for the supported organizations.

One commenter requested that the final regulations provide additional examples of integrated systems, such as private schools and universities, continuing care retirement communities, and residential rehabilitation facilities. The parenthetical in the 2016 proposed regulations—such as a hospital system—is stated as only one example and is not exclusive. This section of the regulations applies to any type of integrated system of which the parent organization and its supported organizations are a part. The test is whether the structure is that of an integrated system and whether the requirements of § 1.509(a)-4(i)(4)(iii) are satisfied, not whether the system is in a particular industry. The Treasury Department and the IRS conclude that it is unnecessary to add other examples of industries that may have integrated systems; doing so at this time may indicate that any industries not specifically mentioned in the final regulations are excluded. Accordingly, the final regulations do not adopt the commenter's request to provide additional examples. Nevertheless, in response to the comment and to make clear that a hospital system is just one example of an integrated system, the final regulations revise the parenthetical in the 2016 proposed regulations to read as follows: (such as, for example, a hospital system).

The commenter also recommended including additional examples of activities that are typical of a parent of an integrated system and suggested that the examples might include financial planning and forecasting, legal services, human resources, information management, billing and collection services, marketing, and community outreach and education. The Treasury Department and the IRS note that the list of activities in the 2016 proposed regulations was only illustrative of how a parent directs the overall policies, programs, and activities of the supported organizations within the integrated system and was not exclusive. Thus, the absence of any particular activity, such as financial planning, from this list is not determinative. The final regulations clarify that a parent of an integrated system of supported organizations must direct the overall policies, programs, and activities of the supported organizations (such as, for example, coordinating the activities of the supported organizations and engaging in

overall planning, policy development, budgeting, and resource allocation). The Treasury Department and the IRS note that a parent of an integrated system may also perform system-wide administrative services, such as the examples provided by the commenter, in conjunction with directing the overall policies, programs, and activities of the supported organizations. For clarity, these final regulations omit the defined term "activities typical of a parent" in proposed § 1.509(a)-4(i)(4)(iii). The 2016 proposed regulations proposed to retain the requirement in § 1.509(a)-4(i)(4)(iii) that the governing body, members of the governing body, or officers of a parent supporting organization must appoint or elect a majority of the officers, directors, or trustees of the supported organization. The preamble to the 2016 proposed regulations stated that the use of the phrase "appointed or elected, directly or indirectly" means the supporting organization could qualify as a parent of a second-tier (or lower) subsidiary. Thus, for example, if the directors of supporting organization A appoint a majority of the directors of supported organization B, which in turn appoints a majority of the directors of supported organization C, the directors of supporting organization A will be treated as appointing the majority of the directors of both supported organization B and supported organization C. One commenter agreed with this interpretation and requested that it be addressed in the final regulations. These final regulations adopt this recommendation.

As stated in the preamble to the 2016 proposed regulations, the Treasury Department and the IRS interpret the existing requirement under § 1.509(a)-4(i)(4)(iii) that the parent organization have the power to appoint or elect a majority of the officers, directors, or trustees of each supported organization to include the requirement that the parent organization also have the power to remove and replace such officers, directors, or trustees, or otherwise have an ongoing power to appoint or elect with reasonable frequency. One commenter requested that language reflecting this interpretation be specifically added to § 1.509(a)-4(i)(4)(iii). The final regulations adopt this commenter's recommendation.

3. Supporting a Governmental Supported Organization

The 2012 TD reserved § 1.509(a)-4(i)(4)(iv) for future guidance on how a Type III supporting organization can qualify as functionally integrated by supporting a governmental entity. As

interim guidance, Notice 2014–4 provided that a Type III supporting organization will be treated as functionally integrated if it (i) supports a supported organization that is a governmental entity to which the supporting organization is responsive; and (ii) engages in activities for or on behalf of that governmental supported organization that perform the functions of, or carry out the purposes of, that governmental supported organization and that, but for the involvement of the supporting organization, would normally be engaged in by the governmental supported organization itself. This interim guidance was subsequently extended by the 2015 final regulations. The 2016 proposed regulations proposed new rules under which a Type III supporting organization would qualify as functionally integrated by supporting governmental supported organizations. These final regulations adopt the proposed § 1.509(a)–4(i)(4)(iv), with the modifications discussed in the following paragraphs.

The 2016 proposed regulations proposed that a supporting organization that only supports governmental supported organizations would be considered functionally integrated if a substantial part of its total activities directly further the exempt purposes of its governmental supported organizations and, if the supporting organization supports more than one governmental supported organization, all of its governmental supported organizations either: (1) Operate within the same geographic region (defined as a city, county, or metropolitan area); or (2) work in close coordination or collaboration with each other to conduct a service, program, or activity that the supporting organization supports. The 2016 proposed regulations proposed defining a governmental supported organization as a governmental unit described in section 170(c)(1), or an organization described in section 170(c)(2) and (b)(1)(A) (other than in clauses (vii) and (viii)) that is an instrumentality of one or more governmental units described in section 170(c)(1). To satisfy the close coordination or collaboration requirement, the proposed regulations proposed requiring a supporting organization to maintain on file a letter from each of the governmental supported organizations (or a joint letter from all of them) describing their coordination or collaboration efforts with respect to the particular service, program, or activity. The 2016 proposed regulations proposed an exception to

this rule for certain pre-existing organizations that support no more than one non-governmental supported organization along with one or more governmental supported organizations, as well as a transition rule for pre-existing organizations that continue to meet the requirements of Notice 2014–4.

Two commenters recommended that Type III functionally integrated supporting organizations should not be limited to only supporting governmental supported organizations. One commenter proposed that a supporting organization which supports both governmental and non-governmental supported organizations should qualify as functionally integrated if the supporting organization (i) conducts activities that perform the functions of or carry out the purposes of its governmental supported organization(s), (ii) its non-governmental supported organizations operate in the same geographic region or work in close coordination or collaboration with the governmental supported organization(s), and (iii) substantially all of the supporting organization's activities directly further the exempt purposes of its governmental supported organization(s).

The other commenter recommended replacing the requirement that all supported organizations be governmental supported organizations with a new requirement that substantially all the activities of the supporting organization either (i) directly further the purposes of the governmental supported organizations, or (ii) consist of grantmaking, fundraising, or investing for governmental supported organizations that meet either the same geographic region or close coordination and collaboration requirements in the 2016 proposed regulations.

A third commenter requested that, when a supporting organization supports more than one governmental supported organization, the governmental supported organizations should only be required to work in close coordination or collaboration. The commenter requested deleting the requirement that the governmental supported organizations conduct a service, program, or activity that the supporting organization supports.

The 2016 proposed regulations proposed allowing certain Type III supporting organizations that support governmental supported organizations to be classified as functionally integrated on the basis that the involvement of the governmental supported organizations in the

supporting organization's activities would minimize the potential for abuse. As stated in the preamble to the 2016 proposed regulations, requiring close cooperation and collaboration on a common service, program, or activity that the supporting organization supports helps ensure that the governmental supported organizations will provide sufficient input to and oversight of the supporting organization. Moreover, the coordination and collaboration between the governmental supported organizations would be greatly diminished if they engaged in different services, programs, or activities. Furthermore, governmental input and oversight would be diluted if the definition of functionally integrated were expanded to permit these supporting organizations to support and be responsive to non-governmental supported organizations as well. Additionally, for the reasons discussed later in this preamble, the Treasury Department and the IRS utilize the substantial part test for supporting governmental supported organizations (instead of the substantially all test) but specifically exclude grant making and other financial activities from the definition of activities that directly further the exempt purposes of the governmental supported organizations. Accordingly, these final regulations do not adopt these recommendations. For clarity, these final regulations omit the defined term "geographic region" contained in proposed § 1.509(a)–4(i)(4)(iv)(C).

As noted previously in this preamble, the 2016 proposed regulations proposed that, for simplicity and administrability, the term "governmental supported organization" be defined using an existing Code definition of governmental unit. Three commenters stated their support for this definition. Thus, the final regulations adopt the definition in the 2016 proposed regulations with the clarification described in the following paragraph.

The preamble to the 2016 proposed regulations noted that, because a governmental unit described in section 170(c)(1) includes all of the agencies, departments, and divisions of that governmental unit, all such agencies, departments, and divisions will be treated as one governmental supported organization for purposes of § 1.509(a)–4(i)(4)(iv). One commenter stated its support for this position and requested that it be specifically written into the regulations. These final regulations adopt this commenter's recommendation. The final regulations specifically state that a governmental unit includes all of its agencies,

departments, and divisions, and that they will be treated as one governmental supported organization for these purposes.

One commenter on the 2016 proposed regulations requested that an instrumentality of a governmental supported organization and the governmental supported organization with respect to which it is an instrumentality should be treated as one governmental supported organization. The final regulations do not adopt this recommendation because, unlike an agency, department, or division of a governmental unit, an instrumentality described in § 1.509(a)–4(i)(4)(iv)(B)(2) is a separate legal entity.

The 2016 proposed regulations also proposed that supporting organizations that support only governmental supported organizations may qualify as functionally integrated only if a “substantial part” of their activities directly furthers the exempt purposes of their governmental supported organization(s). The 2016 proposed regulations proposed using the same definition of “directly further” contained in § 1.509(a)–4(i)(4)(ii)(C), the integral part test for functionally integrated Type III supporting organizations, as promulgated in the 2012 TD. This definition provides that fundraising, making grants, and investing and managing non-exempt-use assets are not activities that directly further the exempt purposes of the supported organization.

One commenter recommended that fundraising, making grants, and investing and managing non-exempt-use assets should be considered activities that directly further the exempt purposes of a governmental supported organization. The Treasury Department and the IRS determined that a Type III supporting organization should qualify as functionally integrated only if the supporting organization itself conducts activities that perform the functions of or carry out the purposes of its supported organization (as distinguished from providing financial support for the activities carried out by the supported organization). As the 2012 TD stated, fundraising, making grants, and investing and managing non-exempt-use assets relate to producing and distributing income to finance the charitable activities directly carried out by the supported organization. The 2016 proposed regulations did not adopt comments seeking to apply a different definition of “directly further” to supporting organizations that support governmental supported organizations. These final regulations do not adopt the commenter’s proposal because using a

different definition of “directly further” for governmental supported organizations would undermine a fundamental distinction that § 1.509(a)–4(i)(4) makes between functionally integrated and NFI Type III supporting organizations, *i.e.*, directly conducting charitable activities versus financing charitable activities. The Treasury Department and the IRS also note the complexity and administrative difficulty of applying different definitions of “directly further” under the integral part test.

These final regulations adopt the requirement in the 2016 proposed regulations that a substantial part of the supporting organization’s total activities must directly further the exempt purposes of its governmental supported organizations. These final regulations also add a new example to clarify that a supporting organization can meet this requirement and still make grants to one of its governmental supported organizations as a substantial part of its activities. As the preamble to the 2016 proposed regulations stated, the “substantial part” test in § 1.509(a)–4(i)(4)(iv) allows these supporting organizations to conduct more fundraising and other financial activities, if certain requirements are met, than is permitted under the “substantially all” test of § 1.509(a)–4(i)(4)(ii) that applies generally to be a functionally integrated Type III supporting organization. One commenter requested confirmation concerning the identity of these certain requirements that must be met. Under § 1.509(a)–4(i)(4) as promulgated by the 2012 TD and amplified by these final regulations in providing the rules for supporting governmental supported organizations, the organization must meet the annual notification requirement in § 1.509(a)–4(i)(2) and the responsiveness test in § 1.509(a)–4(i)(3), in addition to the specific requirements in § 1.509(a)–4(i)(4)(iv), in order to be a functionally integrated Type III supporting organization by virtue of supporting governmental supported organizations.

One commenter recommended providing a clear definition of what constitutes a substantial part of a supporting organization’s total activities for purposes of meeting § 1.509(a)–4(i)(4)(iv). Another commenter recommended not adopting a bright line rule to measure the quantity of activities that equal a substantial part, but requested a statement in the final regulations that all pertinent facts and circumstances will be taken into account. This commenter also requested more examples of activities that directly

further the exempt purpose of the governmental supported organization and clarification in the regulations to require that a substantial part of a supporting organization’s activities directly further the exempt purposes of “at least one” (as opposed to all) of its governmental supported organizations when the governmental supported organizations share a common geographic region.

In response to these comments, the final regulations revise proposed § 1.509(a)–4(i)(4)(iv) to provide that, in determining whether a substantial part of a supporting organization’s total activities directly further the exempt purposes of its governmental supported organization(s), all pertinent facts and circumstances will be taken into consideration. This approach is consistent with the approach in § 1.509(a)–4(i)(4)(ii)(B), which determines “substantially all” for the general test of being functionally integrated by considering all pertinent facts and circumstances. The final regulations also revise proposed § 1.509(a)–4(i)(4)(iv)(A) and add a new example in § 1.509(a)–4(i)(4)(v) to make clear that a supporting organization that supports more than one governmental supported organization as described in § 1.509(a)–4(i)(4)(iv)(A) satisfies the substantial part test if a substantial part of its activities directly furthers the exempt purpose of at least one of its governmental supported organizations.

One commenter stated that proposed § 1.509(a)–4(i)(4)(iv)(A)(1)(ii), which uses the phrase “close coordination or collaboration,” should be made consistent with proposed § 1.509(a)–4(i)(4)(iv)(D), which uses the phrase “close cooperation or coordination.” The final regulations adopt this recommendation and make the provisions consistent by changing the phrasing in § 1.509(a)–4(i)(4)(iv)(C) of the final regulations to “close coordination or collaboration.” No substantive change is intended by this revision.

The 2016 proposed regulations proposed an exception to the general rule for supporting organizations that support governmental supported organizations. The exception would treat a Type III supporting organization in existence on or before February 19, 2016 (the date of the issuance of the 2016 proposed regulations), as functionally integrated if: (1) It supports one or more governmental supported organizations and no more than one supported organization that is not a governmental supported organization; (2) it designated each of its supported organizations as provided in § 1.509(a)–

4(d)(4) on or before February 19, 2016; and (3) a substantial part of its total activities directly furthers the exempt purposes of its governmental supported organization(s). One commenter stated that the proposed exception would allow it and similar organizations currently to qualify as functionally integrated. The final regulations adopt the proposed exception without change.

The 2016 proposed regulations also proposed further extending the transition relief provided in Notice 2014–4 and extended in the preamble to the 2015 final regulations. Under the 2016 proposed regulations, a Type III supporting organization in existence on or before February 19, 2016, that met and continues to meet the requirements of Notice 2014–4 would be treated as functionally integrated until the earlier of the first day of the organization's first taxable year beginning after the date final regulations are published under § 1.509(a)–4(i)(4)(iv) or the first day of the organization's second taxable year beginning after February 19, 2016. The Treasury Department and the IRS did not receive any comments about the transition rule or any requests to extend the transition period in the 2016 proposed regulations, which now has expired. The Treasury Department and the IRS therefore conclude supporting organizations have had sufficient time to adjust to the new rules and further transition relief is not necessary. Accordingly, these final regulations do not provide a further extension of the transition relief proposed in the 2016 proposed regulations.

D. Integral Part Test—Non-Functionally Integrated Type III Supporting Organizations

Section 1.509(a)–4(i)(5) provides that a supporting organization meets the integral part test to be an NFI Type III supporting organization if it satisfies the distribution requirement of § 1.509(a)–4(i)(5)(ii) and the attentiveness requirement of § 1.509(a)–4(i)(5)(iii), or the pre-November 2, 1970, trust requirements of § 1.509(a)–4(i)(9). Section 1.509(a)–4(i)(5)(ii) provides that, with respect to each taxable year, a supporting organization must distribute to or for the use of one or more supported organizations an amount equaling or exceeding its “distributable amount.” Section 1.509(a)–4(i)(6) provides the amount of a distribution made to a supported organization is the amount of cash or the fair market value of the property distributed.

The 2016 proposed regulations proposed revising § 1.509(a)–4(i)(5)(ii) to state that a supporting organization must make distributions as described in

§ 1.509(a)–4(i)(6) in a total amount equaling or exceeding the supporting organization's distributable amount to satisfy the distribution requirement, and proposed revising § 1.509(a)–4(i)(6) to describe in detail what distributions count toward satisfying the distribution requirement. These final regulations adopt these proposed revisions, explained as follows, without change.

1. No Reduction of Distributable Amount for Taxes Subtitle A Imposes

Section 1.509(a)–4(i)(5)(ii)(B) provides that the distributable amount is equal to the greater of 85 percent of an organization's adjusted net income for the immediately preceding taxable year (as determined by applying the principles of section 4942(f) of the Code and § 53.4942(a)–2(d)) or its minimum asset amount for the immediately preceding taxable year, reduced by the amount of taxes imposed on the supporting organization under subtitle A of the Code (subtitle A) during the immediately preceding taxable year.

Because the taxes under subtitle A are imposed on a supporting organization's unrelated business taxable income (pursuant to section 511 of the Code) and the activity that produces the unrelated business taxable income does not further the supported organization's exempt purposes, the preamble to the 2016 proposed regulations stated that these taxes should not be treated as the functional equivalent of an amount distributed to a supported organization. The 2016 proposed regulations, therefore, proposed removing the provision in § 1.509(a)–4(i)(5)(ii)(B) that reduces the distributable amount by the amount of taxes subtitle A imposed on a supporting organization during the immediately preceding taxable year.

One commenter stated that the distributable amount should be reduced by the amount of taxes imposed on the supporting organization's unrelated business income, as section 4942(d) provides for private foundations. In advocating to retain the reduction in the distributable amount, the commenter suggested that only the supporting organization's after-tax income from unrelated business activities should be considered available for distribution to its supported organizations.

A supporting organization's adjusted net income under § 1.509(a)–4(i)(5)(ii)(B) includes gross income from all sources, including investment income that is not subject to tax under section 511. The 2012 TD and the 2015 final regulations, therefore, stated it was necessary to revise the distribution requirement to ensure that NFI Type III supporting organizations distribute

significant amounts to their supported organizations, as Congress directed in the PPA. As stated in the 2015 final regulations, the 85 percent of adjusted net income test makes it more likely that supported organizations will timely benefit from higher returns received by their supported organizations. Reducing the distributable amount by any taxes on the income would be counter to this objective.

The Treasury Department and the IRS further note that section 4942(d) only applies to private non-operating foundations. As the preamble to the 2012 TD recounted, a number of commenters to the 2009 proposed regulations stated that NFI Type III supporting organizations should not be subject to the higher payout for private non-operating foundations because they are distinguishable from them. These commenters stated that NFI Type III supporting organizations are more similar to private operating foundations and medical research organizations and therefore should be subject to their lower payout requirements. The 2012 TD and the 2015 final regulations adopted this recommendation, providing lower payout requirements for NFI Type III supporting organizations than for private non-operating foundations. Private operating foundations and medical research organizations are not able to reduce their payout requirements by the taxes imposed by subtitle A. See § 1.170A–9(d)(2)(v)(B); § 53.4942(b)–1(a)(1)(ii). The Treasury Department and the IRS conclude for the foregoing reasons that it would be inconsistent to apply a different rule to NFI Type III supporting organizations. Therefore, these final regulations adopt the 2016 proposed revision to § 1.509(a)–4(i)(5)(ii)(B) without change.

2. Distributions That Count Toward Distribution Requirement

Section 1.509(a)–4(i)(6) provides details on the distributions by a supporting organization that count toward satisfying the distribution requirement imposed in § 1.509(a)–4(i)(5)(ii). The regulations provide that distributions include but are not limited to: (1) Any amount paid to a supported organization to accomplish the supported organization's exempt purposes; (2) any amount paid by the supporting organization to perform an activity that directly furthers the exempt purposes of the supported organization within the meaning of § 1.509(a)–4(i)(4)(ii), but only to the extent such amount exceeds any income derived by the supporting organization from the activity; (3) any reasonable and

necessary administrative expenses paid to accomplish the exempt purposes of the supported organization(s), which do not include expenses incurred in the production of investment income; (4) any amount paid to acquire an exempt-use asset described in § 1.509(a)–4(i)(8)(ii); and (5) any amount set aside for a specific project that accomplishes the exempt purposes of a supported organization to which the supporting organization is responsive.

The list in § 1.509(a)–4(i)(6) is not exhaustive and other distributions may count towards the distribution requirement. As stated in the preamble to the 2016 proposed regulations, the use of a non-exclusive list creates uncertainty for supporting organizations and the IRS about what counts toward the distribution requirement. Therefore, the 2016 proposed regulations proposed revising and clarifying the list in § 1.509(a)–4(i)(6) of what counts toward the distribution requirement and making it an exclusive list.

a. Reasonable and Necessary Administrative Expenses

Under § 1.509(a)–4(i)(6), reasonable and necessary administrative expenses paid to accomplish the exempt purposes of supported organizations, but not expenses incurred in the production of investment income, count toward the distribution requirement. For example, if a supporting organization conducts exempt activities that are for the benefit of, perform the functions of, or carry out the purposes of its supported organization(s) and also conducts nonexempt activities (such as investment activities or unrelated business activities), then the supporting organization's administrative expenses (such as salaries, rent, utilities and other overhead expenses) must be allocated between the exempt and nonexempt activities on a reasonable and consistently-applied basis. The supporting organization's administrative expenses attributable to the exempt activities are treated as distributions to its supported organization(s) if such expenses are reasonable and necessary. Conversely, the administrative expenses and operating costs attributable to the nonexempt activities are not treated as distributions to the supported organization(s). The 2016 proposed regulations proposed retaining this provision, with additional guidance regarding fundraising expenses.

b. Fundraising Expenses

Section 1.509(a)–4(i)(6) does not specifically address whether fundraising expenses count toward the distribution requirement. The 2016 proposed

regulations addressed the issue, specifying that reasonable and necessary administrative expenses paid to accomplish the exempt purposes of a supported organization generally do not include fundraising expenses the supporting organization incurs. For example, when a supporting organization conducts a fundraising event for its supported organization(s) and distributes the proceeds of the event, net of its fundraising expenses, to its supported organization(s), only the amount that the supporting organization actually distributes to its supported organization(s) counts towards the distribution requirement. Thus, under the 2016 proposed regulations, the supporting organization's fundraising expenses do not count towards the distribution requirement.

If a supporting organization conducts a fundraising event at which the supporting organization instructs donors to make contributions directly to the supported organization, the 2016 proposed regulations proposed that those contributions would not count as a distribution from the supporting organization to its supported organization. However, in this situation the supporting organization could count towards the distribution requirement the reasonable and necessary expenses it incurs to solicit the contributions the donors pay directly to its supported organization: (1) to the extent that the amount of these solicitation expenses does not exceed the amount of contributions the supported organization actually receives; and (2) if the supporting organization can substantiate (as discussed later in this preamble) that those contributions were received as a result of the supporting organization's solicitation activities. The 2016 proposed regulations proposed this rule to provide consistency with the treatment of contributions that supporting organizations receive directly and then distribute to their supported organizations (net of the supporting organization's solicitation expenses).

While commenters were generally supportive of the proposal to count as distributions the fundraising expenses incurred to solicit contributions directly to the supported organization, one commenter recommended deleting the requirement that contributions be received directly by the supported organization for the fundraising expenses to count. Alternatively, the commenter requested this special rule for fundraising expenses also apply if the contributions were received directly by an agent of the supported organization.

Another commenter proposed that contributions the supporting organization received directly from the fundraising solicitation as a matter of convenience should be treated as contributions the supported organization received directly if the supporting organization is contractually obligated to remit the contributions to the supported organization and the supporting organization actually distributes the contributions to the supported organization within a reasonable time period. The commenter also proposed that the supporting organization be allowed to count its fundraising solicitation expenses in the year it incurred them so long as the supported organization received the corresponding contributions within a reasonable time period following the end of that year.

In response to these comments, these final regulations adopt the proposed rules with certain modifications and clarifications. These final regulations provide that expenses the supporting organization incurs to solicit contributions count towards the distribution requirement when the resulting contributions are received directly by a supported organization, but only to the extent that the supporting organization's expenses for each solicitation do not exceed the amount of contributions a supported organization actually receives, and only if the supporting organization substantiates that those contributions were received as a result of the supporting organization's solicitation activities. This limitation is applied on a solicitation-by-solicitation basis; the supporting organization may not aggregate its expenses, or the contributions a supported organization receives, from more than one solicitation to determine the amount of solicitation expenses that count towards its distribution requirement. The Treasury Department and the IRS intend that contributions are received directly by the supported organization when donors make their checks, credit card or other payments payable to the supported organization. The Treasury Department and the IRS also intend that when a supporting organization receives checks or processes credit card or other transactions that are payable to its supported organization, the supporting organization may count as distributions the expenses it incurs for soliciting those checks or credit card or other payments, but only up to the amount of contributions received directly by or paid directly to the supported organization and substantiated by the

supported organization. Thus, for purposes of meeting its distribution requirement, the supporting organization may not count as distributions from the supporting organization to the supported organization the amount of the check and credit card or other contributions the donors make payable to the supported organization. Contributions made payable to the supporting organization that are transferred to the supported organization, however, may be counted as distributions from the supporting organization to the supported organization at the time that the funds are given by the supporting organization to the supported organization. These final regulations do not adopt a rule permitting payments that are first deposited with the supporting organization to count as contributions received directly by the supported organization (for purposes of permitting additional solicitation expenses related to those contributions to count as distributions). Preventing the supporting organization from counting those amounts twice toward satisfying the supporting organization's annual distribution requirements and accounting for those funds in the supporting organization's account would be administratively difficult.

c. Joint Fundraising Expenses

One commenter also requested guidance on how to allocate contributions when the supporting organization and the supported organization share the costs of a solicitation event. The Treasury Department and the IRS do not intend for the rule for fundraising expenses to apply with respect to a solicitation event if the supported organization incurs more than de minimis costs related to the same solicitation event. Section 1.509(a)-4(i)(6)(i) permits supporting organizations to count any amount they pay to their supported organization as a distribution for purposes of satisfying the annual distribution requirement described in § 1.509(a)-4(i)(5)(ii). A supporting organization can, therefore, share the costs of a fundraiser by distributing to the supported organization an amount equal to the supporting organization's share of the joint fundraising expenses. Section 1.509(a)-4(i)(6)(i) would permit the supporting organization to count this payment as a distribution for purposes of § 1.509(a)-4(i)(5)(ii), negating the need for a special rule in proposed § 1.509(a)-4(i)(6)(iii)(B). The Treasury Department and the IRS note that it would be very difficult to determine and substantiate what portion

of the contributions a supported organization receives are attributable to the supporting organization's expenditures. Thus, expanding the rule to cover joint solicitation efforts as the commenter suggests would increase the compliance burden on supporting organizations and supported organizations and would be difficult for the IRS to administer. These final regulations, therefore, do not adopt this recommendation.

d. Taxable Year to Which Fundraising Expenses Are Attributable

One commenter requested a clarification that contributions made to a supported organization in response to a supporting organization's end-of-the-year fundraiser that the supported organization does not receive until the following year may be used to determine the portion of reasonable and necessary fundraising expenses the supporting organization may treat as a distribution for the year in which the fundraiser occurred. This commenter recommended a 90-day window in the second year for counting such contributions. These final regulations clarify that, for purposes of applying the limitation on the supporting organization's solicitation expenses for each taxable year that count toward its distribution requirement, any contributions the supported organization receives directly from donors that are attributable to a solicitation the supporting organization conducted in a particular taxable year includes any contributions the supported organization receives and substantiates in writing on or before the due date (without regard to extensions) of the supporting organization's Form 990 for the year in which it conducted the solicitation.

For example, assume a supporting organization makes a solicitation on December 15, 2024. The supported organization receives contributions from donors of \$1x on December 26, 2024, and \$2x on March 15, 2025, that are attributable to the solicitation made on December 15, 2024. The supported organization substantiates the total contributions of \$3x in writing prior to May 15, 2025 (the due date without extensions of the supporting organization's Form 990 for 2024). The written substantiation indicates that these contributions were attributable to the December 15, 2024 solicitation. Under § 1.509(a)-4(i)(6)(iii)(B), the supporting organization may treat up to \$3x of any reasonable and necessary expenses it incurred for the December 15, 2024 solicitation toward its distribution requirement.

A supporting organization may not take into account the same contributions in computing the fundraising expense limitation in more than one year or with respect to more than one solicitation. Thus, in the preceding example, the \$2x contribution the supported organization received on March 15, 2025, may only be used by the supporting organization to determine its fundraising expense limitation for the December 15, 2024, solicitation. The supporting organization may not use the \$2x again to determine its 2025 fundraising expense limitation.

e. Written Substantiation From Supported Organization

The 2016 proposed regulations proposed requiring a supporting organization to obtain written substantiation from the supported organization of the amount of contributions the supported organization actually receives as a result of each of the supporting organization's solicitations. One commenter requested that the permitted written substantiation include an email from the supported organization that the supporting organization maintains in its electronic records. These final regulations adopt this recommendation, stating that the written substantiation may be provided by electronic media.

Another commenter requested that a supported organization be allowed to aggregate into a single annual written report the substantiation of all the contributions it received from the supporting organization's fundraising activities. The commenter also requested that the supported organization should only be responsible for reporting the amount of the contributions it received and not be responsible for calculating the supporting organization's fundraising activities.

These final regulations clarify that the supporting organization may substantiate the contributions provided to the supported organization by a single annual statement in writing from the supported organization, provided that the amount of contributions, if any, received by the supported organization as a result of each solicitation is separately identified. To satisfy § 1.509(a)-4(i)(6)(iii)(B), the written substantiation must be postmarked or electronically transmitted to the supporting organization no later than the due date (without regard to extensions) of the supporting organization's Form 990 for the year of the solicitation. In addition, written substantiation relied on by the supporting organization (whether

provided in one or multiple reports) must separately state the amount of contributions, if any, received directly by the supported organization allocable to each solicitation made by the supporting organization that is covered in the report. The supporting organization is responsible for determining its solicitation expenses. The written substantiation the supporting organization is required to receive from the supported organization need only provide information relevant to the amount of contributions the supported organization received; it does not need to address the supporting organization's expenses.

f. Program-Related Investments Not Taken Into Account

Finally, one commenter requested that program-related investments (PRIs) count toward the distribution requirement. The preamble to the 2016 proposed regulations stated that, for purposes of meeting the integral part test, PRIs are not treated as distributions to the supported organizations. As the preamble to the 2016 proposed regulations stated, the Treasury Department and the IRS recognize that private foundations may use PRIs in a variety of ways to accomplish their exempt purposes and that PRIs thus are treated as qualifying distributions under section 4942. However, because supporting organizations must be operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of their supported organizations, they differ from private foundations. Furthermore, other provisions relating to the distribution requirement, such as the availability of set-asides and the potential for carry-forwards of excess distributions, provide significant flexibility for supporting organizations to meet the current and future needs of their supported organizations. For these reasons, these final regulations do not adopt this recommendation.

IV. Technical Corrections

This Treasury Decision conforms the paragraphs throughout § 1.509(a)-4 to the Code of Federal Regulations by making non-substantive changes, including capitalizing letters of fourth level paragraphs. This Treasury Decision also modifies § 53.4947-1 to correct certain cross-references to § 1.509(a)-4.

V. Applicability Date

These final regulations are applicable to taxable years beginning on or after October 16, 2023. Taxpayers may choose to apply these final regulations

to taxable years beginning on or after February 19, 2016, and before October 16, 2023, so long as the taxpayer applies the provisions of these final regulations in their entirety and in a consistent manner.

Special Analyses

I. Regulatory Planning and Review

Pursuant to the Memorandum of Agreement, *Review of Treasury Regulations under Executive Order 12866* (June 9, 2023), tax regulatory actions issued by the IRS are not subject to the requirements of section 6(b) of Executive Order 12866, as amended. Therefore, a regulatory impact assessment is not required.

II. Paperwork Reduction Act

The collection of information contained in these regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545-2271.

The collection of information in these regulations is in § 1.509(a)-4(i)(4)(iv)(C) (written record of close coordination or collaboration by certain governmental supported organizations) and § 1.509(a)-4(i)(6)(iii)(B) (written record of contributions received by certain supported organizations). Requiring a supporting organization to collect (1) written records of its governmental supported organizations' close coordination or collaboration with each other and (2) written records of the contributions its supported organizations directly received from donors in response to solicitations by the supporting organization helps the IRS determine whether the supporting organization is a functionally integrated or non-functionally integrated Type III supporting organization. The record keepers are certain Type III supporting organizations.

Estimated number of recordkeepers: 6,089.

Estimated average annual burden hours per recordkeeper: 2 hours.

Estimated total annual recordkeeping burden: 12,178 hours.

Estimated frequency of collection of such information: Annual.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration

of any internal revenue law. Generally, tax returns and return information are confidential, as required by 26 U.S.C. 6103.

III. Regulatory Flexibility Act

In connection with the requirements of the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these final regulations will not impact a substantial number of small entities.

Based on IRS Statistics of Income data for 2019, there are 1,365,744 active nonprofit charitable organizations recognized by the IRS under section 501(c)(3), of which only 6,089 organizations self-identified as Type III supporting organizations. The universe of organizations that would be affected by § 1.509(a)-4(i)(4)(iv)(C) and § 1.509(a)-4(i)(6)(iii)(B) is a subset of all Type III supporting organizations, because those provisions apply either to organizations seeking to qualify as functionally integrated based on support of two or more governmental supported organizations or to non-functionally integrated organizations that solicit contributions that are received directly by a supported organization (rather than by the supporting organization). Thus, the number of organizations that will be affected by the collection of information under § 1.509(a)-4(i)(4)(iv)(C) and (i)(6)(iii)(B) will not be substantial. Moreover, the time to complete the recordkeeping requirements is expected to be no more than 2 hours for each organization, thus the regulations will not have a significant economic impact. The requirements under § 1.509(a)-4(i)(4)(iv)(C) and (i)(6)(iii)(B), therefore, will not have a significant economic impact.

Pursuant to section 7805(f) of the Code, this regulation was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business and no comments were received.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. The regulations

do not include any Federal mandate that may result in expenditures by State, local, or tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. The regulations do not have federalism implications, impose substantial direct compliance costs on State and local governments, or preempt State law within the meaning of the Executive order.

VI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Management and Budget's Office of Information and Regulatory Affairs designated this rule as not a "major rule," as defined by 5 U.S.C. 804(2).

Statement of Availability of IRS Documents

Notice 2014-4 is published in the Internal Revenue Bulletin and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by visiting the IRS website at: https://www.irs.gov/irb/20142_IRB/ar14.html?ga=1.74171665.204111657.1425931511.

Drafting Information

The principal authors of these regulations are Jonathan Carter and Don Spellmann, Office of Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 53

Excise taxes, Foundations, Investments, Lobbying, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, the Treasury Department and the IRS amend 26 CFR parts 1 and 53 as follows:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.509(a)-4 is amended by:

■ 1. In paragraph (d)(2)(i) introductory text, removing "subdivision (iv) of this subparagraph" and "subparagraph (1) of this paragraph" and adding "paragraph (d)(2)(iv) of this section" and "paragraph (d)(1) of this section" in their places, respectively.

■ 2. Redesignating paragraphs (d)(2)(i)(a) and (b) as paragraphs (d)(2)(i)(A) and (B), respectively.

■ 3. In newly redesignated paragraph (d)(2)(i)(B)(1), removing "(a) of this subdivision" and adding "paragraph (d)(2)(i)(A) of this section" in its place.

■ 4. In newly redesignated paragraph (d)(2)(i)(B)(2), removing "subdivision (i)(a) or this subparagraph" and adding "paragraph (d)(2)(i)(A) of this section or this paragraph (d)(2)(i)(B)(2)" in its place.

■ 5. In paragraph (d)(2)(ii), removing "subdivision (i)(a) or this subparagraph", "subparagraph (1) of this paragraph" and "subparagraphs (3)(i), (ii), and (iii) and (4)(i) (a) and (b) of this paragraph" and adding "paragraph (d)(2)(i)(A) of this section", "paragraph (d)(1) of this section", and "paragraphs (d)(3)(i) through (iii) and (d)(4)(i)(A) and (B) of this section" in their places, respectively.

■ 6. In paragraph (d)(2)(iii) introductory text, removing "subparagraph" and adding "paragraph (d)(2)" in its place.

■ 7. Designating *Examples 1* and *2* of paragraph (d)(2)(iii) as paragraphs (d)(2)(iii)(A) and (B), respectively.

■ 8. In paragraph (d)(2)(iv) introductory text, removing "subparagraph (1) of this paragraph" and adding "paragraph (d)(1) of this section" in its place.

■ 9. Redesignating paragraphs (d)(2)(iv)(a) and (b) as paragraphs (d)(2)(iv)(A) and (B), respectively.

■ 10. In newly redesignated paragraph (d)(2)(iv)(A), removing "and" and adding "and" in its place.

■ 11. In paragraph (d)(3) introductory text, removing "subparagraph (2)(i) (a) of this paragraph" and adding "paragraph (d)(2)(i)(A) of this section" in its place.

■ 12. In paragraph (d)(4)(i) introductory text, removing "subparagraph (2)(iv) of this paragraph" and "this subparagraph" and adding "paragraph (d)(2)(iv) of this section" and "this paragraph (d)(4)" in their places, respectively.

■ 13. Redesignating paragraphs (d)(4)(i)(a) through (c) as paragraphs (d)(4)(i)(A) through (C), respectively.

■ 14. Revising newly redesignated paragraph (d)(4)(i)(C).

■ 15. In paragraph (d)(4)(ii), removing "subdivision (i)(b) of this subparagraph" and "subdivision (i)(b)" and adding "paragraph (d)(4)(i)(B) of this section" and "paragraph (d)(4)(i)(B)" in their places, respectively.

■ 16. In paragraph (d)(4)(iii) introductory text, removing "subparagraph" and adding "paragraph (d)(4)" in its place.

■ 17. Designating the *Example* in paragraph (d)(4)(iii) as paragraph (d)(4)(iii)(A) and adding reserved paragraph (d)(4)(iii)(B).

■ 18. In paragraph (e)(3) introductory text, removing "paragraph" and adding "paragraph (e)" in its place.

■ 19. Designating *Examples 1* through *5* of paragraph (e)(3) as paragraphs (e)(3)(i) through (v), respectively.

■ 20. Revising paragraph (f)(5)(ii).

■ 21. In paragraph (g)(2) introductory text, removing "paragraph" and adding "paragraph (g)" in its place.

■ 22. Designating *Examples 1* through *3* of paragraph (g)(2) as paragraphs (g)(2)(i) through (iii), respectively.

■ 23. In newly redesignated paragraph (g)(2)(iii), removing "subparagraph (1)(ii) of this paragraph" and adding "paragraph (g)(1)(ii) of this section" in its place.

■ 24. In paragraph (h)(3) introductory text, removing "paragraph" and adding "paragraph (h)" in its place.

■ 25. Designating *Examples 1* through *3* of paragraph (h)(3) as paragraphs (h)(3)(i) through (iii), respectively.

■ 26. Revising paragraphs (i)(2)(i) introductory text, (i)(2)(i)(A), (i)(2)(iii), and (i)(3)(i).

■ 27. Designating *Examples 1* and *2* of paragraph (i)(3)(iv) as paragraphs (i)(3)(iv)(A) and (B), respectively.

■ 28. Adding paragraph (i)(3)(iv)(C).

■ 29. Revising paragraphs (i)(4)(ii)(A)(1), (i)(4)(ii)(B), and (i)(4)(iii) and (iv).

■ 30. Designating *Examples 1* through *5* of paragraph (i)(4)(v) as paragraphs (i)(4)(v)(A) through (E), respectively.

■ 31. Adding paragraph (i)(4)(v)(F).

■ 32. Revising paragraphs (i)(5)(ii)(A) and (B) and (i)(5)(iii)(A).

■ 33. Designating *Examples 1* through *4* of paragraph (i)(5)(iii)(D) as paragraphs (i)(5)(iii)(D)(1) through (4), respectively.

■ 34. Revising newly designated paragraph (i)(5)(iii)(D)(4), the third sentence of paragraph (i)(6) introductory text, and paragraphs (i)(6)(iii) and (v) introductory text.

■ 35. In paragraph (k)(2) introductory text, removing "paragraph" and adding "paragraph (k)" in its place.

- 36. Designating the *Example* in paragraph (k)(2) as paragraph (k)(2)(i) and adding reserved paragraph (k)(2)(ii).
- 37. Revising paragraph (l).

The revisions and additions read as follows:

§ 1.509(a)–4 Supporting organizations.

* * * * *

- (d) * * *
- (4) * * *
- (i) * * *

(C) Permit the supporting organization to vary the amount of its support between different designated organizations, so long as it meets the requirements of the integral part test set forth in paragraph (i)(1)(iii) of this section with respect to at least one beneficiary organization.

* * * * *

- (f) * * *
- (5) * * *

(ii) *Meaning of control.* For purposes of paragraph (f)(5)(i) of this section, the governing body of a supported organization will be considered *controlled* by a person described in paragraph (f)(5)(i)(A) of this section if that person, alone or by aggregating the person’s votes or positions of authority with persons described in paragraph (f)(5)(i)(B) or (C) of this section, may require the governing body of the supported organization to perform any act that significantly affects its operations or may prevent the governing body of the supported organization from performing any such act. The governing body of a supported organization will be considered to be controlled directly or indirectly by one or more persons described in paragraph (f)(5)(i)(A), (B), or (C) of this section if the voting power of such persons is 50 percent or more of the total voting power of such governing body or if one or more of such persons have the right to exercise veto power over the actions of the governing body of the supported organization. Thus, if the governing body of a supported organization is composed of five members, none of whom has a veto power over the actions of the supported organization, and no more than two members are at any time described in paragraph (f)(5)(i)(A), (B), or (C) of this section, such supported organization will not be considered to be controlled directly or indirectly by such persons by reason of this fact alone. However, all pertinent facts and circumstances will be taken into consideration in determining whether one or more persons do in fact directly or indirectly control the governing body of a supported organization.

* * * * *

- (i) * * *
- (2) * * *

(i) *Annual notification.* For each taxable year (Reporting Year), a Type III supporting organization must provide the following documents to each of its supported organizations:

(A) A written notice addressed to a principal officer of the supported organization describing the type and amount of all of the support (including all of the distributions described in paragraph (i)(6) of this section, if applicable) the supporting organization provided to the supported organization during the supporting organization’s taxable year immediately preceding the Reporting Year (and during any other taxable year of the supporting organization ending after December 28, 2012, for which such support information has not previously been provided), including a brief narrative description of the support provided and sufficient financial detail for the recipient to identify the types and amounts of support being reported;

* * * * *

(iii) *Due date.* The notification documents required by this paragraph (i)(2) must be delivered or electronically transmitted by the last day of the fifth calendar month of the Reporting Year.

* * * * *

- (3) * * *

(i) *General rule.* A supporting organization meets the responsiveness test only if it is responsive to the needs or demands of each of its supported organizations. Except as provided in paragraph (i)(3)(v) of this section, in order to meet this test, a supporting organization must satisfy the requirements of paragraphs (i)(3)(ii) and (iii) of this section with respect to each of its supported organizations.

* * * * *

- (iv) * * *

(C) *Example 3.* Z is described in section 501(c)(3). Z’s organizational documents provide that it supports ten different organizations, each of which is described in section 509(a)(1). One of the directors of S (one of the supported organizations) is a voting member of Z’s board of directors and participates in Z’s regular board meetings. Officers of Z hold regularly scheduled face-to-face or telephonic meetings during the year, to which officers of all the supported organizations are invited. Z’s meetings with the supported organizations may be held jointly or separately. Prior to the meetings, Z makes available to the supported organizations (including by email) up-to-date information about its activities, including its assets and liabilities, receipts and distributions,

and investment policies and returns. In the meetings, officers of each of the supported organizations have an opportunity to ask questions and discuss with officers of Z the projected needs of their organizations, as well as Z’s investment and grant making policies and practices. In addition to holding these meetings with the supported organizations, Z provides the contact information of one of its officers to each of the supported organizations and encourages them to contact that officer if they have questions, or if they wish to schedule additional meetings to discuss the projected needs of their organization and how Z should distribute its income and invest its assets. Z provides the information required under paragraph (i)(2) of this section and a copy of its annual audited financial statements to the principal officers of the supported organizations. Z meets the relationship requirement of paragraph (i)(3)(ii)(B) or (C) of this section with respect to each of its supported organizations. Based on these facts, Z also satisfies the significant voice requirement of paragraph (i)(3)(iii) of this section, and therefore meets the responsiveness test of this paragraph (i)(3) with respect to each of its ten supported organizations.

* * * * *

- (4) * * *
- (ii) * * *
- (A) * * *

(1) Directly further the exempt purposes of one or more supported organizations by performing the functions of, or carrying out the purposes of, such supported organization(s); and

* * * * *

(B) *Meaning of substantially all.* For purposes of paragraph (i)(4)(ii)(A) of this section, in determining whether substantially all of a supporting organization’s activities directly further the exempt purposes of one or more supported organization(s), all pertinent facts and circumstances will be taken into consideration.

* * * * *

(iii) *Parent of supported organization(s)*—(A) *In general.* For purposes of paragraph (i)(4)(i)(B) of this section, in order for a supporting organization to qualify as the parent of each of its supported organizations—

(1) The supporting organization and its supported organizations must be part of an integrated system (such as, for example, a hospital system);

(2) The supporting organization must direct the overall policies, programs, and activities of the supported organizations (such as, for example,

coordinating the activities of the supported organizations and engaging in overall planning, policy development, budgeting, and resource allocation); and

(3) The supporting organization's governing body, members of the governing body, or officers (acting in their official capacities) must appoint or elect, directly or indirectly, a majority of the officers, directors, or trustees of each supported organization and have the power to remove and replace such directors, officers, or trustees, or otherwise have an ongoing power to appoint or elect such directors, officers or trustees with reasonable frequency.

(B) *Subsidiary organizations.* A supporting organization may meet the requirements of paragraph (i)(4)(iii)(A)(3) of this section with respect to a second-tier (or lower) subsidiary provided that the supporting organization, by control of its first-tier subsidiary, has the power to appoint or elect (as described in paragraph (i)(4)(iii)(A)(3) of this section) a majority of the officers, directors, or trustees of the lower-tier subsidiary. For example, if the board of directors of supporting organization A elects a majority of the directors of supported organization B, and the board of directors of B, in turn elect, by a simple majority vote, a majority of the directors of supported organization C, the directors of supporting organization A will be treated as electing a majority of the directors of both supported organization B and supported organization C.

(iv) *Supporting a governmental supported organization—*(A) *In general.* A supporting organization satisfies the requirements of this paragraph (i)(4)(iv) if—

(1) The supporting organization only supports one or more governmental supported organizations;

(2) In any case in which the supporting organization supports more than one governmental supported organization, all of the governmental supported organizations either—

(i) Operate within the same city, county, or metropolitan area; or

(ii) Work in close coordination or collaboration with one another to conduct a service, program, or activity that the supporting organization supports; and

(3) A substantial part of the supporting organization's total activities are activities that directly further, as defined by paragraph (i)(4)(ii)(C) of this section, the exempt purposes of at least one governmental supported organization.

(B) *Governmental supported organization defined.* For purposes of paragraph (i)(4)(iv)(A) of this section,

the term *governmental supported organization* means a supported organization that is:

(1) A governmental unit described in section 170(c)(1), including all of its agencies, departments, and divisions (all of which will be treated as one governmental supported organization for purposes of this paragraph (i)(4)(iv)); or

(2) An organization described in section 170(c)(2) and (b)(1)(A) (other than in clauses (vii) and (viii)) that is an instrumentality of one or more governmental units described in section 170(c)(1).

(C) *Close coordination or collaboration.* To satisfy the close coordination or collaboration requirement of paragraph (i)(4)(iv)(A)(2) of this section, the supporting organization must maintain on file a letter from each of the governmental supported organizations (or a joint letter from all of them) describing their coordination or collaboration efforts with respect to the particular service, program, or activity.

(D) *Substantial part.* For purposes of paragraph (i)(4)(iv)(A)(3) of this section, in determining whether a substantial part of a supporting organization's activities directly further the exempt purposes of one or more governmental supported organization(s), all pertinent facts and circumstances will be taken into consideration.

(E) *Exception for organizations supporting a governmental supported organization on or before February 19, 2016.* A Type III supporting organization in existence on or before February 19, 2016, will be treated as meeting the requirements of this paragraph (i)(4)(iv) if it met and continues to meet the following requirements:

(1) It supports one or more governmental supported organizations described in paragraph (i)(4)(iv)(B) of this section and does not support more than one supported organization that is not a governmental supported organization;

(2) Each of the supported organizations is designated by the supporting organization as provided in paragraph (d)(4) of this section on or before February 19, 2016; and

(3) A substantial part (as defined in paragraph (i)(4)(iv)(D) of this section) of the supporting organization's total activities are activities that directly further (as defined by paragraph (i)(4)(ii)(C) of this section) the exempt purposes of its governmental supported organization(s).

(F) *Transition rule for supporting organizations in existence on or before*

February 19, 2016. Until the first day of the organization's second taxable year beginning after February 19, 2016, a Type III supporting organization in existence on or before February 19, 2016, will be treated as meeting the requirements of this paragraph (i)(4)(iv) if it continuously met the following requirements prior to the first day of the organization's second taxable year beginning after February 19, 2016—

(1) It supported at least one supported organization that was a governmental entity to which the supporting organization was responsive within the meaning of paragraph (i)(3) of this section; and

(2) It engaged in activities for or on behalf of the governmental supported organization described in paragraph (i)(4)(iv)(E)(1) of this section that performed the functions of, or carried out the purposes of, that governmental supported organization and that, but for the involvement of the supporting organization, would normally have been engaged in by the governmental supported organization itself.

* * * * *

(v) * * *

(F) *Example 6.* X, an organization described in section 501(c)(3), is organized and operated as a supporting organization to two organizations, City and Park. X meets the responsiveness test described in paragraph (i)(3) of this section with respect to both City and Park. City and Park are both governmental units described in section 170(c)(1). Park maintains a state park located within the same county as City. X does not support any other organizations. X supports Park by operating an information center for visitors to Park. The information center provides educational material and informational sessions to visitors to Park. X's activities related to operating the Park information center constitute a substantial part of X's activities. X also makes grants directly to City to fund City's other programs. X's grant making activities constitute a substantial part of X's activities. X meets the requirements of paragraph (i)(4)(iv)(A)(1) of this section because X only supports City and Park, both of which are governmental supported organizations described in paragraph (i)(4)(iv)(B) of this section. X meets the requirements of paragraph (i)(4)(iv)(A)(2) of this section because City and Park operate within the same county in accordance with paragraph (i)(4)(iv)(A)(2)(i) of this section. Finally, X meets the requirements of paragraph (i)(4)(iv)(A)(3) of this section because a substantial part of X's activities directly

further (within the meaning of paragraph (i)(4)(ii)(C) of this section) Park's exempt purposes, even though X's grants to City are also a substantial part of X's activities. Based on these facts, X qualifies as functionally integrated under paragraph (i)(4)(iv) of this section.

(5) * * *

(ii) * * *

(A) *Annual distribution.* With respect to each taxable year, a supporting organization must make distributions described in paragraph (i)(6) of this section in a total amount equaling or exceeding the supporting organization's distributable amount for the taxable year, as defined in paragraph (i)(5)(ii)(B) of this section, on or before the last day of the taxable year.

(B) *Distributable amount.* Except as provided in paragraphs (i)(5)(ii)(D) and (E) of this section, the distributable amount for a taxable year is an amount equal to the greater of 85 percent of the supporting organization's adjusted net income (as determined by applying the principles of section 4942(f) and § 53.4942(a)-2(d) of this chapter) for the taxable year immediately preceding the taxable year of the required distribution (immediately preceding taxable year) or its minimum asset amount (as defined in paragraph (i)(5)(ii)(C) of this section) for the immediately preceding taxable year.

* * * * *

(iii) * * *

(A) *General rule.* With respect to each taxable year, a non-functionally integrated Type III supporting organization must distribute one-third or more of its distributable amount to one or more supported organizations that are attentive to the operations of the supporting organization (within the meaning of paragraph (i)(5)(iii)(B) of this section).

* * * * *

(D) * * *

(4) *Example 4.* O is an organization described in section 501(c)(3). O is organized to support five private universities, V, W, X, Y, and Z, each of which is described in section 509(a)(1). O meets the responsiveness test described in paragraph (i)(3) of this section with respect to each of its supported organizations. Each year, O distributes an aggregate amount that equals its distributable amount described in paragraph (i)(5)(ii)(B) of this section and distributes an equal amount to each of the five universities. O distributes annually to each of V and

W an amount that equals more than 10 percent of each university's total annual support received in its most recently completed taxable year. Based on these facts, O meets the requirements of paragraph (i)(5)(iii) of this section because it distributes two-fifths (more than the required one-third) of its distributable amount to supported organizations that are attentive to O.

* * * * *

(6) * * * Distributions by the supporting organization that count toward the distribution requirement imposed in paragraph (i)(5)(ii) of this section are limited to—

* * * * *

(iii) Any reasonable and necessary—
(A) Administrative expenses paid to accomplish the exempt purposes of the supported organization, which do not include expenses incurred in the production of investment income or expenses incurred in the conduct of fundraising activities (except solicitation expenses described in paragraph (i)(6)(iii)(B) of this section); and

(B) Expenses incurred to solicit contributions that are received directly by a supported organization (rather than by the supporting organization), but only to the extent the amount of the reasonable and necessary expenses the supporting organization incurs for each solicitation does not exceed the amount of contributions that are actually received by the supported organization directly from donors as a result of each such solicitation, as substantiated in a written report by the supported organization to the supporting organization that is postmarked or electronically transmitted by the due date of the supporting organization's Form 990 (or successor form) for the year of the solicitation(s) (without regard to extensions);

* * * * *

(v) Any amount set aside for a specific project that accomplishes the exempt purposes of a supported organization, with such set-aside counting toward the distribution requirement for the taxable year in which the amount is set aside but not in the year in which it is actually paid, if at the time of the set-aside, the supporting organization—

* * * * *

(l) *Applicability dates.* (1) Paragraphs (a)(6), (f)(5), and (i) of this section are applicable on December 28, 2012, except—

(i) Paragraphs (i)(4)(ii)(C), (i)(5)(ii)(C) and (D), (i)(6)(iv), (i)(7)(ii), and (i)(8) of

this section are applicable on December 21, 2015; and

(ii) Paragraphs (d)(4)(i)(C), (f)(5)(ii), (i)(2)(i) and (iii), (i)(3)(i), (i)(3)(iv)(C) (*Example 3*), (i)(4)(ii)(A)(1), (i)(4)(ii)(B), (i)(4)(iii) and (iv), (i)(4)(v)(F) (*Example 6*), (i)(5)(ii)(A) and (B), (i)(5)(iii)(A), (i)(5)(iii)(D)(4) (*Example 4*), (i)(6) introductory text, and (i)(6)(iii) and (v) of this section are applicable to taxable years beginning on or after October 16, 2023.

(2) Taxpayers may choose to apply the paragraphs listed in paragraph (l)(1)(ii) of this section to taxable years beginning on or after February 19, 2016, and before October 16, 2023, provided the taxpayer applies the provisions listed in paragraph (l)(1)(ii) of this section in their entirety and in a consistent manner.

(3) See paragraphs (i)(5)(ii)(B) and (C) and (i)(8) of § 1.509(a)-4T contained in 26 CFR part 1, revised as of April 1, 2015, for certain rules regarding non-functionally integrated Type III supporting organizations effective before December 21, 2015. See paragraphs (i)(5)(ii)(A) and (B) and (i)(5)(iii)(D) of § 1.509(a)-4 contained in 26 CFR part 1, revised as of April 1, 2023, for certain rules regarding non-functionally integrated Type III supporting organizations effective before October 16, 2023.

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

■ **Par. 3.** The authority citation for part 53 continues to read in part as follows:

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

§ 53.4947-1 [Amended]

■ **Par. 4.** Section 53.4947-1 is amended in paragraph (b)(3) by removing the language “§§ 1.509(a)-4(d)(2)(iv)(a), and 1.509(a)-4(i)(1) (ii) and (iii)(c)” and “the regulations under section 507(b)(1)” and adding in their places “§ 1.509(a)-4(d)(2)(iv)(A) and (i)(1)(ii) of this chapter” and “the regulations in this part under section 507(b)(1)”, respectively.

Douglas W. O'Donnell,
Deputy Commissioner for Services and Enforcement.

Approved: August 20, 2023.

Lily L. Batchelder,
Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2023-22286 Filed 10-13-23; 8:45 am]

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Proposed Rules

Federal Register

Vol. 88, No. 198

Monday, October 16, 2023

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

[Doc. No. AMS-LP-21-0028]

RIN 0581-AE07

Natural Grass Sod Promotion, Research, and Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the establishment of procedures for conducting a referendum to determine whether issuance of a proposed Natural Grass Sod Research and Promotion Order (Order) is favored by natural grass sod producers. The procedures would also be used for any subsequent referendum under the Order. The proposed Order is being published separately in this issue of the **Federal Register**.

DATES: Comments must be received on or before December 15, 2023 to be assured consideration. Pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA), comments on the information collection burden that would result from this proposal must be received on or before December 15, 2023 to be assured consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at <https://www.regulations.gov>. Written comments may also be submitted to Jeana Harbison, Director; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2625-S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250-0251. All comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, at

<https://www.regulations.gov> and will be included in the record and made available to the public.

Pursuant to the PRA, comments regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, should be sent to the address above. In addition, comments concerning the information collection should be sent to the Desk Office for Agriculture; Office of Information and Regulatory Affairs; Office of Management and Budget; New Executive Office Building; 725 17th Street NW, Room 725, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Jeana Harbison; Director; Research and Promotion Division; Telephone: (202) 527-3398; or Email to Jeana.M.Harbison@usda.gov.

SUPPLEMENTARY INFORMATION:

This proposed rule is issued pursuant to the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411-7425).

Executive Orders 12866, 13563, and 14094

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 updates and modernizes E.O. 12866 and directs agencies to conduct proactive outreach to engage interested and affected parties through a variety of means, such as through field offices, and alternative platforms and media. This rule has been designated as not a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed this action.

Executive Order 12988

This proposed rule has been reviewed under E.O. 12988, Civil Justice Reform. It is not intended to have retroactive

effect. Section 524 of the 1996 Act provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act, a person subject to an order may file a written petition with the Secretary of Agriculture (Secretary) stating that an Order, any provision of an Order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of Secretary’s final ruling.

Executive Order 13175

This proposed rule has been reviewed under E.O. 13175—Consultation and Coordination with Indian Tribal Governments. E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on: (1) policies that have Tribal implication, including regulation, legislative comments, or proposed legislation; and (2) other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

AMS has assessed the impact of this proposed rule on Indian Tribes and determined that this rule would not have Tribal implications that require consultation under E.O. 13175. AMS hosts a quarterly teleconference with Tribal leaders where matters of mutual interest regarding the marketing of

agricultural products are discussed. Information about the proposed regulation will be shared during an upcoming quarterly call, and Tribal leaders will be informed about the proposed regulation and the opportunity to submit comments. AMS will work with the U.S. Department of Agriculture (USDA) Office of Tribal Relations to ensure meaningful consultation is provided as needed with regards to the regulations.

Background

This proposed rule invites comments on procedures for conducting a referendum to determine whether natural grass sod producers support the issuance of a natural grass sod Order. AMS would conduct the referendum. Should an up-front referendum be held, AMS would publish a final rule for the referendum procedures that would state the timing and voting method for the referendum. AMS would also conduct extensive outreach to natural grass sod producers to inform them of the referendum voting process and the deadlines for voting. As an up-front referendum, producers would cast a vote on the revised draft Order, based on comments received from the public, that will be published at the same time as the final rule for the referendum procedures. The program would be implemented if it is favored by a simple majority of natural grass sod producers voting in the referendum that have been engaged in the production and sale of natural grass sod products in the United States during a representative period determined by the Secretary. The proposed Order is being published separately in this issue of the **Federal Register**.

Should the referendum result in support for the creation of the program, AMS would publish a final rule for the Order that would include the date for when assessments would begin to be collected. The referendum procedures in this proposed rule would also be used for any subsequent referenda conducted under the Order. This proposed rule also announces AMS's intent to request approval by OMB of new information collection requirements to implement the program.

Authority in the 1996 Act

The Commodity, Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425) authorizes USDA to establish agricultural commodity research and promotion orders that may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. These

programs are designed to maintain and expand markets and uses for agricultural commodities as defined under sec. 513(1) of the 1996 Act (7 U.S.C. 7412), agricultural commodities. The 1996 Act provides for alternatives within the terms of a variety of provisions. Paragraph (e) of sec. 518 of the 1996 Act (7 U.S.C. 7417) provides three options for determining industry approval of a new research and promotion program: (1) By a majority of those persons voting; (2) by persons voting for approval who represent a majority of the volume of the agricultural commodity; or (3) by a majority of those persons voting for approval who also represent a majority of the volume of the agricultural commodity. In addition, sec. 518 of the (7 U.S.C. 7417) Act provides for referenda to ascertain approval of an Order to be conducted either prior to its going into effect or within three years after assessments first begin under an Order.

Program Overview

AMS received a proposal for a national research and promotion program for natural grass sod from Turfgrass Producers International (TPI). TPI is an industry organization made up of members from across the natural grass seed and sod industry worldwide. The program would be financed by an assessment on natural grass sod products and would be administered by a board of industry members selected by the Secretary. Initially, producers would pay one-tenth (1/10th) of one penny (\$0.01) per square foot, or the equivalent thereof, of natural grass sod products. No natural grass sod producer would be exempt from paying the assessment unless producing a certified organic product under the National Organic Program.

The purpose of the program would be to strengthen the position of natural grass in the marketplace, maintain and expand markets for natural grass, and develop new uses for natural grass. TPI proposed that a referendum be held among eligible natural grass sod producers to determine whether they favor implementation of the program prior to the Order going into effect. TPI recommended that the program be implemented if it is favored by a simple majority of the natural grass sod producers voting in the referendum.

Summary of Regulatory Text

Because the regulatory text proposed herein contains the complete proposed Order, this section will highlight key proposed provisions.

Definitions

Proposed § 1240.81 of the Referendum Procedures defines certain terms that would be used throughout. All terms have the same meaning as set forth in § 1240.20 of Subpart A.

Proposed § 1240.83 discusses eligibility and manner of persons voting. An eligible Natural Grass Sod Producer, officer or employee of an eligible Natural Grass Sod Producer, an administrator, executor, or trustee of an Eligible Natural Grass Sod Producer may cast a ballot. Any individual so voting in a Referendum shall certify that such individual has the authority to take such action. Upon request of the Referendum Agent, the individual shall submit adequate evidence of such authority.

Proposed § 1240.84 discusses the Referendum Agent, appointed by the Administrator, who will provide instructions for voting and conduct the Referendum. The Referendum Agent will determine the time period during which ballots may be cast and give reasonable public notice of the Referendum, not less than thirty (30) days. No person who claims to be an Eligible Natural Grass Sod Producer will be refused a ballot. At the end of the voting period the agent will tabulate the results, prepare a report on the Referendum, and announce the results to the public.

Initial Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis (RFA).

The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000.

According to 2017 USDA National Agricultural Statistics Service data, there are 1,465 farms in the U.S. producing natural grass; of those, approximately 70 percent (or 1,034 farms), would be classified as small agricultural producers based on value of sales per farm.

This proposed rule invites comments on procedures for conducting a referendum to determine whether natural grass sod producers favor issuance of a proposed natural grass sod Order. AMS would conduct the

referendum. As previously mentioned, paragraph (e) of § 518 of the 1996 Act (7 U.S.C. 7417) provides three options for determining industry approval of a new research and promotion program: (1) by a majority of those persons voting; (2) by persons voting for approval who represent a majority of the volume of the agricultural commodity; or (3) by a majority of those persons voting for approval who also represent a majority of the volume of the agricultural commodity. This program is an industry-led effort to drive consumer demand for natural grass sod products through the development and implementation of programs, plans, and projects of research, information, and promotion, with funding for such efforts provided by the industry through assessments paid by natural grass sod producers involved in the production of monostands or blends or mixtures of Bentgrass, Bermudagrass, Buffalograss, Centipedegrass, Fine fescue, Kentucky bluegrass, Ryegrass, Seashore Paspalum, St. Augustinegrass, Tall fescue, Zoysiagrass, Bahiagrass, and other native or adapted grasses harvested and sold as sod, and products containing natural grass with artificial elements that are sold as sod (“natural grass sod products”). In order to ensure that natural grass sod producers involved in the sale of natural grass sod products make the decision on whether this program should be implemented, and subsequently continue or not, this program would be implemented if it is favored by a majority of natural grass sod producers voting in a referendum. This procedure would also be used for any subsequent referendum under the Order. Eligible natural grass sod producers would have the opportunity to participate in the referendum. Voting in the referendum is optional and this proposal outlines the requirements for doing so, such as instructions outlining the referendum process.

Regarding alternatives, AMS is considering a variety of options to hold the referendum vote including email, mail, electronic voting through a smartphone application or website, sending ballots to one central location by mail ballot or through electronic mail, or by other means selected by the Administrator. AMS has previously conducted referenda through USDA Farm Service Agency County Offices for some larger checkoff programs. For more recently created programs, AMS has utilized an online voting application. AMS would provide easy access to information for potential voters through an email, telephone number, and internet-based resources.

AMS is seeking comments on the preferred option or if there are other alternatives to consider.

This action would impose an additional reporting burden on natural grass sod producers. Natural grass sod producers would have the opportunity to complete and submit a ballot to AMS indicating whether or not they favor implementation of the proposed Order or, for subsequent referenda of an approved program, a continuance of the program. The specific burden for the ballot is detailed later in this document in the section titled Paperwork Reduction Act. As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Regarding outreach efforts, AMS would keep these individuals informed throughout the program implementation and referendum process to ensure that they are aware of and are able to participate in the program implementation process. AMS would also publicize information regarding the referendum process so that trade associations and related industry media are informed and can amplify the information to eligible producers.

AMS has performed this initial RFA analysis regarding the impact of this proposed rule on small businesses.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the referendum ballot, which represents the information collection and recordkeeping requirements that may be imposed by this rule, has been submitted to OMB for approval.

Title: Natural Grass Sod Research and Promotion Program.

OMB Number: 0581–NEW.

Expiration Date of Approval: 3 years from OMB date of approval.

Type of Request: New information collection for research and promotion programs.

Abstract: The information collection requirements in the request are essential to carry out the intent of the 1996 Act. The information collection concerns a proposal received by AMS for a national

research and promotion program for natural grass sod. The program would be financed by an assessment on natural grass sod and would be administered by a board of industry members selected by the Secretary.

A referendum would be held among natural grass sod producers to determine whether they favor the draft Order and subsequent implementation and operation of the program prior to it going into effect. The purpose of the program would be to help build the market for natural grass sod.

The information collection requirements in this rule concern the referendum that would be held to determine whether the program is favored by the industry. The ballot would be completed by natural grass sod producers who want to indicate whether or not they support implementation of the program.

For the purpose of estimating the cost of reporting and recordkeeping, this proposed rule uses \$51 per hour. To arrive at this amount, AMS used the mean hourly earnings of farmers, ranchers, and other agricultural managers (\$36.93) from the U.S. Department of Labor, Bureau of Labor Statistics, May 2020 National Occupational Employment and Wages Estimates.¹ The mean hourly wage rate of \$36.93 plus an additional 38.1 percent to account for benefits and compensation,² for a total hourly wage of \$51, was used to calculate annual cost. Costs of benefits and compensation guidance was obtained from the Bureau of Labor Statistics News Release issued December 14, 2018.³

Information collection requirement that is included in this proposal is: LP–8 Referendum Ballot (OMB Form No. 0581–NEW).

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.1 hours per referendum ballot.

Respondents: Natural grass sod producers.

Estimated Number of Respondents: 1,400.

Estimated Number of Responses per Respondent: 1 every 7 years (Once implemented, subsequent referenda every 7 years thereafter) 0.14 per year.

¹ Occupational Employment and Wages, May 2020; 11–9013 Farmers, Ranchers, and Other Agricultural Managers <https://www.bls.gov/oes/current/oes119013.htm>.

² News Release for Employer Costs for Employee Compensation—June 17, 2021, <https://www.bls.gov/news.release/pdf/ecec.pdf>.

³ Economic News Release: Employer Costs for Employee Compensation Summary for December 2020 <https://www.bls.gov/news.release/ecec.nr0.htm>.

Estimated Total Annual Burden on Respondents: 20 hours.

Total Cost: (20 hours × \$51) \$1,020.

The ballot would be added to the other information collections approved under OMB 0581–NEW.

An estimated 1,400 respondents would provide information to the AMS. The estimated cost of providing the information to AMS by respondents would be \$1,020. This total has been estimated by multiplying 20 total hours required for reporting and recordkeeping by \$51 per hour, representing the average hourly earnings plus benefits by various occupations involved in keeping this information. Data for computation of this hourly rate was obtained from the U.S. Department of Labor Statistics.

Request for Public Comment Under the Paperwork Reduction Act

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the proposed Order and AMS's oversight of the proposed Order, including whether the information would have practical utility; (b) the accuracy of AMS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) the accuracy of AMS's estimate of the number of natural grass sod that would be covered under the program; (d) ways to enhance the quality, utility, and clarity of the information to be collected; and (e) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments concerning the information collection requirements contained in this action should reference OMB 0581–NEW. In addition, the docket number, date, and page number of this issue of the **Federal Register** also should be referenced. Comments should be sent to the same addresses referenced in the **ADDRESSES** section of this rule.

A 60-day comment period is provided to allow interested persons to comment on this proposed information collection. All written comments received will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

This proposed rule invites comments on the establishment of referendum procedures for the vote of the creation of an industry-funded research, promotion, and information program for natural grass products. Comments

should clearly indicate whether or not you support any or all of the provisions proposed in the referendum procedures. Indicate the reason for your position and include relevant information and data to further support your position.

List of Subjects in 7 CFR Part 1240

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Natural grass sod, Reporting and recordkeeping requirements.

For the reason set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 1240 to read as follows:

PART 1240—NATURAL GRASS SOD PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR Part 1240 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Add subpart B to part 1240 to read as follows:

Subpart B—Referendum Procedures

Sec.

1240.80	General.
1240.81	Definitions.
1240.83	Voting.
1240.84	Instructions.
1240.85	Subagents.
1240.86	Ballots.
1240.87	Referendum Report.
1240.88	Confidential Information.
1240.89	OMB Control Number.

Subpart B—Referendum Procedures

§ 1240.80 General.

Referenda to determine whether eligible natural sod producers favor the issuance, continuance, amendment, suspension, or termination of the Natural Grass Sod Research and Promotion Order shall be conducted in accordance with this Subpart B.

§ 1240.81 Definitions.

For purposes of this Subpart B, all defined terms shall have the same meaning as set forth in § 1240.20 of Subpart A. In addition, the following terms shall have the meanings set forth below:

Administrator means the Administrator of the Agricultural Marketing Service, or any officer or employee of USDA to whom there has been delegated or may be delegated the authority to act in the Administrator's stead.

Referenda refers, collectively, to the Initial Referendum and any Subsequent Referenda.

Referendum refers, individually, to the Initial Referendum or a Subsequent Referendum.

Referendum Agent or Agent means the individual or individuals designated by the Secretary to conduct the referendum.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1240.83 Voting.

(a) Each Eligible Natural Grass Sod Producer as set forth in § 1240.20 of Subpart A, shall be entitled to cast only one ballot in any Referenda.

(b) Proxy voting is not authorized, but an officer or employee of an eligible Natural Grass Sod Producer, or an administrator, executor, or trustee of an Eligible Natural Grass Sod Producer may cast a ballot on behalf of such entity. Any individual so voting in a Referendum shall certify that such individual is an officer or employee of the Eligible Natural Grass Sod Producer, or an administrator, executive, or trustee of the Eligible Natural Grass Sod Producer and that such individual has the authority to take such action. Upon request of the Referendum Agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail, electronic mail, electronic voting through a smartphone application or website or sending ballots to one central location by mail ballot or through electronic mail or by any other means set forth by the Department.

§ 1240.84 Instructions.

The Referendum Agent shall conduct the Referendum, in the manner provided in this Subpart, under the supervision of the Administrator. The Administrator may prescribe additional instructions, consistent with the provisions of this Subpart, to govern the procedure to be followed by the Referendum Agent. Such Agent shall:

(a) Determine the time period during which ballots may be cast;

(b) Provide ballots and related material to be used in the Referendum. The ballot shall provide for recording essential information, including that needed for ascertaining whether the Person voting, or on whose behalf the vote is cast, is an Eligible Natural Grass Sod Producer;

(c) Give reasonable public notice of the Referendum, not less than thirty (30) days:

(1) By using available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting,

eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print, radio, email communications, and social media; and

(2) By such other means as the Agent may deem advisable.

(d) Distribute to Eligible Natural Grass Sod Producers whose names and contact information are known to the Referendum Agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Natural Grass Sod Promotion, Research, and Information Order or the continuance of the Natural Grass Sod Promotion, Research, and Information Order, as the case may be. No Person who claims to be an Eligible Natural Grass Sod Producer shall be refused a ballot;

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of a third party authorized to monitor the Referendum process;

(f) Prepare a report on the Referendum; and

(g) Announce the results to the public.

§ 1240.85 Subagents.

The Referendum Agent may appoint any individual or individuals necessary or desirable to assist the Agent in performing such Agent's functions of this Subpart. Each individual so appointed may be authorized by the Agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the Agent.

§ 1240.86 Ballots.

The Referendum Agent and subagents shall accept all ballots cast. However, if an Agent or subagent deems that a ballot should be challenged for any reason, the Agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots deemed invalid under this Subpart shall not be counted.

§ 1240.87 Referendum report.

Except as otherwise directed, the Referendum Agent shall prepare and submit to the Administrator a report on the results of the Referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the Referendum and its results.

§ 1240.88 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any Natural Grass Sod Producer and the voter list shall be strictly confidential and shall not be disclosed.

§ 1240.89 OMB control number.

The control number assigned to the information collection requirement in this Subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. is OMB control number 0581-NEW.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2023-22508 Filed 10-13-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

[Doc. No. AMS-LP-21-0028]

RIN 0581-AE07

Natural Grass Sod Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the establishment of an industry-funded promotion, research, and information program for natural grass sod products. The proposed Natural Grass Sod Promotion, Research, and Information Order (Order) was submitted to the U.S. Department of Agriculture (USDA) by Turfgrass Producers International (TPI), a group of natural grass sod producers. The proposed Order also announces the Agricultural Marketing Service's (AMS) intent to request approval from the Office of Management and Budget (OMB) of new information collection requirements to implement the program.

DATES: Comments must be received on or before December 15, 2023 to be assured of consideration. Pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA), comments of the information collection burden that would result from this proposal must be received on or before December 15, 2023 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments concerning this document by using the electronic process available at <https://www.regulations.gov>. Written comments

may also be submitted to Jeana Harbison, Director; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2625-S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250-0251. All comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, at <https://www.regulations.gov> and will be included in the record and made available to the public.

Pursuant to the PRA, comments regarding the accuracy of the burden estimate, ways to minimize the burden, including the use of automated collection techniques or other forms of information technology, should be sent to the address above. In addition, comments concerning the information collection should be sent to the Desk Office for Agriculture; Office of Information and Regulatory Affairs; Office of Management and Budget; New Executive Office Building; 725 17th Street NW, Room 725; Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Jeana Harbison; Director; Research and Promotion Division; Telephone: (202) 527-3398 or Email: Jeana.M.Harbison@usda.gov.

SUPPLEMENTARY INFORMATION:

This proposed rule is issued pursuant to the Commodity Promotion, Research, and Information Act of 1996 (the Act) (7 U.S.C. 7411-7425).

Executive Order 12866, 13563, and 14094

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 updates and modernizes E.O. 12866 and directs agencies to conduct proactive outreach to engage interested and affected parties through a variety of means, such as through field offices, and alternative platforms and media. This rulemaking has been designated as not a "significant regulatory action" under section 3(f) of Executive Order 12866. Accordingly, the Office of

Management and Budget (OMB) has not reviewed this action.

Executive Order 12988

This proposed rule has been reviewed under E.O. 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act (7 U.S.C. 7418), a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and may request a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within 2 years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

Executive Order 13175

This proposed rule has been reviewed under E.O. 13175—Consultation and Coordination with Indian Tribal Governments, which requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on: (1) policies that have Tribal implication, including regulation, legislative comments, or proposed legislation; and (2) other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

AMS has assessed the impact of this proposed rule on Indian Tribes and determined that this rulemaking would not have Tribal implications that require consultation under E.O. 13175. AMS hosts a quarterly teleconference with Tribal leaders where matters of mutual interest regarding the marketing of agricultural products are discussed.

Information about the proposed regulation will be shared during an upcoming quarterly call, and Tribal leaders will be informed about the proposed regulation and the opportunity to submit comments. AMS will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided as needed with regards to the regulations.

Background

The proposed Order is an industry effort to establish a national program with a Board composed of natural grass sod producers and one public member to promote and strengthen consumer demand for natural grass. Initially, producers would pay one-tenth (1/10th) of one penny (\$0.01) per square foot, or the equivalent thereof, of natural grass sod products. No natural grass sod producer would be exempt from paying the assessment unless producing a certified organic product under the National Organic Program. A referendum to determine whether producers favor the Order would take place before the Order would go into effect. This proposed rule also announces AMS's intent to request approval by the OMB of new information collection requirements to implement the program.

Authority in 1996 Act

The proposed Order is authorized by the Act (7 U.S.C. 7411–7425), which authorizes USDA to establish agricultural commodity research and promotion orders that may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. Consistent with section 512 of the Act (7 U.S.C. 7411), the proposed Order would maintain and expand existing markets and develop new markets and uses for natural grass. Section 515 of the Act (7 U.S.C. 7413), provides for establishment of a Board composed of producers and one public member. As defined in section 513 of the Act (7 U.S.C. 7412), agricultural commodities include “products processed or manufactured from products specified in the preceding subparagraphs, as determined appropriate by the Secretary.” 7 U.S.C. 7412(1)(F). The Act also includes provisions that authorize the Secretary to tailor programs to the specific characteristics of different commodities, including section 514 of the Act (7 U.S.C. 7413) that provides USDA discretion in determining to whom the Order should apply among the following: (1) producers, (2) first handlers and others in the marketing

chain as appropriate, and (3) importers (if imports are subject to assessments). 7 U.S.C. 4713(a)(1). Natural grass falls within the Act's definition of an agricultural commodity, and natural grass sod producers fall within the categories of “first handlers”. Section 516 of the Act (7 U.S.C. 7415), states that an Order may include different payment and reporting schedules; coverage of research, promotion, and information activities to expand, improve, or make more efficient the marketing or use of an agricultural commodity in both domestic and foreign markets; provision for reserve funds; and provision for credits for generic and branded activities. In addition, section 518 of the Act (7 U.S.C. 7417) provides for a referendum to ascertain approval of an order to be conducted either prior to it going into effect or within 3 years after assessments first begin under the order. The Act also provides three different methods for determining approval of an order in a referendum.

Industry Overview

The 2017 survey by USDA-National Agricultural Statistics Service (NASS) places the value of the U.S. natural grass sod industry at over \$1.1 billion, produced on 1,465 farms totaling 339,451 acres. These farms exist nationwide with documented active natural grass sod farms in no fewer than 49 States. The widespread distribution of natural grass sod farms is due in part to the diversity of natural grass species, allowing them to adapt to different climates. Grass species such as Bentgrass, Fine fescue, Tall fescue, and Kentucky bluegrass thrive in USDA plant hardiness zones 1a through 6a, while Bermudagrass, Buffalograss, Centipedegrass, Seashore Paspalum, St. Augustinegrass, and Zoysiagrass perform well in zones 7a through 10a. There are also various species of native grasses and other adapted grasses that are gaining popularity in various regions. All these products are produced by natural grass sod farmers throughout the United States and are included in the definition of natural grass products as indicated in this Order.

The \$1.1 billion of natural grass sod produced in 2017 by U.S. natural grass sod farms enters the market where it contributes significantly to the industries that focus on sustainable growth through public and private initiatives supporting environmentally responsible investments, as well as those industries that support it. These sectors include the home lawn care, sports field, golf course, roadside, and other markets that are essential

components of local economies nationwide. Seed industries, primarily in the Midwest and Pacific Northwest, supply seed for sod farms growing cool-season grasses including ryegrass, fescues, bluegrasses, and native or adapted mixtures. This industry produces over 600 million pounds of natural grass seed in Oregon alone, much of which is distributed to U.S. natural grass sod farms to produce sod that is then sold to other segments of the green industry. In addition to contributing to rural agricultural economies, natural grass sod also contributes significantly to urban economies. In states that track sod sales data, landscape contractors in urban and suburban areas purchase between 39.2 percent and 68.2 percent of total sales, followed by sales to athletic complexes and golf courses that make up between 18.2 percent and 44.5 percent of total sales.¹ The supply chain that moves much of this natural grass sod further contributes to local economies through home improvement centers, lawn and landscaping services, equipment and materials purchases, and more. It is estimated that the U.S. lawn care industry alone was worth up to \$93 billion in 2018, employed more than 1 million people, and represented 513,305 businesses.²

Need for a Program

The need for a national research and promotion program is evidenced by trends that discourage consumers from using natural grass products. Natural grass sod producers in many areas of the United States are experiencing social and market trends that are increasingly impacting consumer perception and the value of natural grass. These trends can ignore the value of natural grass lawns and athletic fields in urban and suburban environments and have resulted in consumers reducing the amount of grass they manage and/or replacing it with other products. The most common alternative for athletic fields in schools, municipal parks, and open grounds is often plastic, artificial turf. However, in home lawns or public

spaces, these alternative products also include patios, decks, mulch, concrete or brick pavers, and rubberized playgrounds. Data from the 2020 Synthetic Turf Council Market Report for North America, which is the primary competitor for natural grass in public spaces, school grounds, and parks, indicates that the synthetic turf industry has grown 15 percent since 2017 with a current value of \$2.7 billion. It also states that it will continue to grow at a rate of 5.7 percent through 2022, with sports fields representing 63 percent of the market and rapid growth in landscape applications.³ The landscape and sports field markets represent the two largest customer segments for natural grass sod producers for those who report data on customers.

As proposed by the industry, a natural sod checkoff would help educate consumers and other stakeholders about the value that plants, including natural grass, impart on urban and suburban areas. Plants, including natural grass, are often viewed as requiring large amounts of inputs from water, fertilizer, and chemicals with few valuable outputs. As a result, when balancing natural grass systems on inputs alone with no recognition or assessment of outputs, the resulting analysis often results in an inaccurate determination that natural grasses are resource intensive. However, when accounting for new technologies such as drought-tolerant varieties, reduced mowing, and improvements in irrigation, as well as the many ecosystem services (carbon sequestration, oxygen production, groundwater recharge, filtering of pollutants, stormwater and runoff reduction) that are provided by lawns, parks, and roadsides, a more accurate characterization is that managed landscapes, including natural grass sod, provide many benefits in urban and suburban areas.

The aforementioned perception of natural grass is embedded in language used by numerous governing bodies that produce building codes and standards for private and public spaces. These codes provide incentives for builders to reduce or remove natural grass from residential, business, and public spaces with the intent of reducing inputs. However, many such requirements do not factor in the many benefits that plants, including natural grasses, provide to these areas or recognize that simply eliminating them from the

system is not a sustainable approach for urban and suburban construction.

Artificial turf is the primary competitor to natural grass for athletic fields on school grounds, public parks, and collegiate or professional sports venues. The growth of the artificial turf market is increasingly reducing the market for natural grass sports fields.

TPI is the proponent group that submitted the proposed Order to USDA on June 18, 2021, requesting the establishment of a natural grass sod research and promotion program. Since at least 2013, U.S. natural grass sod producers have been considering the implementation of a natural grass sod research and promotion program. Although State and local sod associations have explored the option of establishing voluntary research and promotion programs in previous years, they were deemed impractical and unsustainable without the administration and enforcement provided by USDA's AMS through the authority provided in the Act. In 2017, TPI, a trade association representing natural grass sod farmers, equipment manufacturers, seed producers, and other industry participants with members located in almost every U.S. State and over 30 countries, decided to formally investigate USDA's research and promotion programs. From 2017 to 2019, TPI spoke with representatives at trade associations with aligned interests, USDA's AMS, a public policy consultant, and legal counsel to determine if a research and promotion program for the U.S. natural grass sod industry was feasible. After much deliberation and interest from U.S. natural grass sod producers, the industry, led by TPI, decided that the time was right for the natural grass sod industry to pursue a national research and promotion program.

In 2019, after visiting with the trade associations with aligned interests and USDA's AMS, the industry decided to host a webinar to get feedback from natural grass sod producers regarding their interest in developing a national grass sod research and promotion program. On May 19th, 2020, U.S. sod producers participated in a 2-hour online seminar to learn more about USDA's research and promotion programs. After this webinar, attendees were polled to determine their interest in developing a national research and promotion program for the natural grass sod industry and 64 percent stated they were very interested, 20 percent stated they were interested, 13 percent stated they were interested in learning more, and only 3 percent stated they were not

¹ Waltz, Clint, *2018 Sod Producers Report, Annual Survey Examines Inventory and Price*. UAC Winter Magazine, Winter 2018, at 44. See also Miller, Grady, *2018 Sod Producers Report for North Carolina*, [Turffiles.ncsu.edu](https://www.turffiles.ncsu.edu), <https://www.turffiles.ncsu.edu/2018/04/2018-sod-producers-report-for-north-carolina/> (last visited Jun. 9, 2021); Richards, Steve, *2018 SC Sod Producers Survey Results (2018, Clemson University)*.

² National Association of Landscape Professionals (NALP), *Landscape Industry Statistics*, [Landscapeprofessionals.org](https://www.landscapeprofessionals.org/LP/About/Industry-Statistics/LP/Media/landscape-industry-statistics.aspx), <https://www.landscapeprofessionals.org/LP/About/Industry-Statistics/LP/Media/landscape-industry-statistics.aspx> (last visited Jun. 9, 2021).

³ *2020 Synthetic Turf Market Report for North America*, Synthetic Turf Council <https://www.syntheticurf.org/news/512350/Synthetic-Turf-Council-STC-Releases-2020-Synthetic-Turf-Market-Report-for-North-America.htm> (last visited June 2, 2021).

interested.⁴ Attendees in this webinar were also polled to determine their interest in serving on the sod research and promotion drafting committee, of which 14 sod producers were selected.

This drafting committee has finalized the proposed Order contained herein for submission to USDA. The proposed Order contains all of the relevant information on research and promotion programs, including the proposed assessment rate that was determined through an analysis of U.S. natural grass sod production farm and acreage data from the 2017 USDA–NASS Census of Agriculture along with internal data from TPI. A wide range of farm sizes, annual acres harvested, and assessment rates were assembled for analysis to determine an assessment rate that would (1) be amenable to sod producers; (2) not be overly burdensome; and (3) result in enough funds to have an impact on the market. At the end of these discussions, the entire formation committee of 14 members of different farm sizes, regions, and products all agreed that the proposed assessment rate met each of those conditions.

Specific Provisions

The proposed Order is authorized under the 1996 Act which authorizes USDA to establish agricultural commodity research and promotion orders and is consistent with existing orders for other commodities. The proposed order is also a part of an industry effort to establish a national program with a Board composed of natural grass sod producers and one public member to promote and strengthen consumer demand for natural grass. Many parties including USDA’s AMS, a public policy consultant, and private legal counsel were all consulted and determined that a research and promotion program for the U.S. natural grass sod industry was feasible. In addition to this determination, the industry hosted a 2-hour webinar where feedback was given from natural grass sod producers regarding their interest in developing a national grass sod research and

promotion program. More than a majority (64 percent) of the attendees stated that they were very interested in establishing a research and promotion program for U.S. natural grass sod while only 3 percent stated they were not interested. Fourteen sod producers who attended the webinar created the sod research and promotion drafting committee, which drafted the proposed Order that contains all the relevant information on research and promotion programs.

Because the regulatory text proposed herein contains the complete proposed Order, this section will highlight key proposed provisions.

Definitions

Pursuant to section 513 of the Act (7 U.S.C. 7412), § 1240.20 of the proposed Order defines certain terms that would be used throughout the Order. Several of the terms are common to all research and promotion programs authorized under the Act while other terms are specific to the proposed natural grass sod Order.

Proposed § 1240.20 would define the term “Act” to mean the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7412), and any amendments thereto.

This proposed Order would require natural grass sod producers to pay assessments toward the Natural Grass Sod Research and Promotion program. Therefore, “natural grass sod producer” is defined as any person who produces natural grass sod products in the United States.

The proposed Order defines “Natural Grass” as a plant species in the Poaceae family, or living plants in other taxa serving a similar purpose, as often found in sites such as lawns, sports fields, golf courses, parks, cemeteries, roadsides, and others.

The term “natural grass sod product” refers to natural grass produced for retail, wholesale, or commercial sale, including monostands or blends or mixtures of Bentgrass, Bermudagrass, Buffalograss, Centipede grass, Fine fescue, Kentucky bluegrass, Ryegrass,

Seashore Paspalum, St. Augustinegrass, Tall fescue, Zoysiagrass, Bahiagrass, other native or adapted plants harvested and sold as sod, and products containing natural grass with artificial elements that are sold as sod. For purposes of this Order, natural grass sod product excludes all artificial and synthetic turf or grass products, natural grass seed, sprigs, and plugs.

Establishment of the Board

Pursuant to section 515 of the Act (7 U.S.C. 7413), §§ 1240.30 through 1240.39 of the proposed Order detail the establishment and membership of the proposed Natural Grass Sod Board, nominations, appointments, the term of office, removal and vacancies, procedures, compensation and reimbursement, powers and duties, and prohibited activities.

Section 1240.30(b) specifies the Board would be composed of 11 members. Three members would represent North/Cool-Season Region, four would represent the South/Warm-Season Region, three would represent the Transition Zone/California Region, and one would be a public member. See table 1 below for a detailed list of States in each region. The total number of Board members could not be increased. The division of representation would be intended to reflect the relative percentage square footage of assessments paid by natural grass sod producers into the research and promotion program. See table 1 for a summary of geographical distribution of farms, acres, and receipts. At least once every 5 years but no more frequently than once every 3 years, the Board would review the geographical distribution of the square footage of natural grass sod products sold within the United States. Any changes in Board composition implemented by the Secretary would be made through rulemaking. All Board members would be appointed by the Secretary from nominations as set forth in the proposed § 1240.31.

TABLE 1—FARMS, ACRES AND SALES BY PROPOSED REGIONS⁵

Region	Number of members	States	Farms	Acres	Sales
North/Cool Season	3	AK, CO, CT, DE, ID, IL, IN, IA, ME, MA, MI, MN, MT, NE, NH, NJ, NY, ND, OH, OR, PA, RI, SD, UT, VT, WA, WI, WY.	508	75,151	\$282,742,266
South/Warm Season	4	AL, AZ, FL, GA, HI, LA, MS, NV, NM, SC, TX, US Territories	609	177,179	563,044,248
Transition Zone/California	3	AR, CA, DC, KS, KY, MD, MO, NC, OK, TN, VA, WV	343	84,068	292,805,000

⁴ Industry Analysis and Justification for Natural Grass Sod Promotion, Research, and Information Order, Turfgrass Producers International <https://www.ams.usda.gov/sites/default/files/media/>

SodIndustryAnalysisandJustificationDraft.pdf (last visited June 28, 2021).

⁵ See 2017 Census of Agriculture, USDA National Agricultural Statistics Service <https://>

www.nass.usda.gov/Publications/AgCensus/2017/index.php (last visited Nov. 16, 2020).

Any natural grass sod producer who does not have outstanding assessments may seek nomination for any vacant position in the region they produce and sell natural grass sod products.

Nominees that produce and sell in multiple regions may seek nomination in one region of their choice. To seek nomination to the Board, the interested natural grass sod producer would provide the Board a short background statement outlining their qualifications. Any public member interested in seeking nomination would provide the Board a short background statement outlining their qualifications.

Section 1240.32 of the proposed Order would specify the nominee's agreement to serve. Natural grass sod producers and public members nominated to serve on the Board would be required to submit to the Secretary a written agreement to serve on the Board if appointed by the Secretary, disclose any relationship with any natural grass promotion entity or organization that has been or is being considered for a contractual relationship with the Board, and withdraw from participation in deliberations, decision-making, and voting on matters that concern the relationship of an entity or organization considered for a contractual relationship.

Section 1240.33 of the proposed Order would specify the appointments by the Secretary and terms of office, respectively.

Except for the initial Board, the Board members would serve 3 years or until the Secretary selects his or her successor. The initial Board member terms would be staggered at 1, 2, and 3 years. Each region initial would have one member who serves 2-year terms and two members who serve 3-year terms. Additionally, the South/Warm-Season Region would have one member who serves a 2-year term. The public member initial term would be a 3-year term. The Secretary would determine which of the initial members shall serve a term of 1, 2, or 3 years. Members who serve on the initial Board would be eligible to serve a second term of 3 years.

Sections 1240.34 and 1240.35 of the proposed Order would specify reasons for removal and how vacancies would be filled. The Secretary would be able to remove a Board member if he or she determines there is failure or refusal by the Board member to perform his or her duties properly or if the Board member engages in an act of dishonesty or willful misconduct. Refusing to follow the Act's and Order's purpose would also be a reason for removal. If a member is removed from office or

resigns, the position would automatically become vacant. If a member becomes disqualified for ceasing to produce natural grass or ceases to do business in the region he or she represents, this position would be vacated within 6 months from the date of disqualifying event.

Section 1240.36 of the proposed Order would specify procedures of the Board. A majority of voting Board members present at a meeting would constitute a quorum. Each voting member of the Board would be entitled to one vote on most matters put to the Board and the motion would carry if supported by a simple majority of the total votes. Recommendations to change the assessment rate, adopt a budget, or call for a referendum would require affirmation by two-thirds ($\frac{2}{3}$) of the Board members. When, in the opinion of the chairperson of the Board, such action is considered necessary, the members could vote by internet service, videoconference, teleconference, or any other means of communication. Actions taken under these procedures would be valid only if all members were notified of the meeting and all members were provided the opportunity to vote. Proxy voting would not be permitted. All votes would be recorded in Board minutes. The procedures for conducting Board meetings would be established by the Board and approved by the Secretary.

Section 1240.37 of the proposed Order would specify that all members of the Board would serve without compensation; however, reimbursement for reasonable travel expenses incurred when performing Board duties would be provided as approved by the Board.

Section 1240.38 of the proposed Order would specify the powers and duties of the Board. These powers and duties would include, among other things, to administer the Order and collect assessments; to develop bylaws and recommend rulemaking necessary to administer the Order; to select a chairperson and other Board officers; to form other committees and subcommittees as necessary; to hire staff or contractors as appropriate to carry out the Board's duties; to develop and carry out generic promotion, research, and information activities related to natural grass products; to develop and administer programs, plans, and projects to benefit the natural grass industry; to submit a budget to USDA for approval prior to the start of the fiscal year; to borrow funds necessary to cover startup costs of the Order; to maintain such records and books available to the Secretary for inspection and audit upon request; to have its books audited by an outside certified

public accountant at the end of each fiscal period and at other times as requested by the Secretary; to notify natural grass sod producers and the Secretary of all Board meetings through press releases or other means; to act as intermediary between the Secretary and any natural grass sod producer; to furnish to the Secretary any information or records he or she may request; to receive, investigate and report to the Secretary complaints of violations of the Order; to recommend to the Secretary changes to the Order as the Board considers appropriate; to strengthen and provide maximum benefits to the natural grass sod industry; to invest Board funds appropriately; to pay the cost of activities with assessments collected under and earnings from invested assessments and other funds; to recommend changes to assessments as appropriate; to appoint and convene committees to assist in the development of research, promotion, advertising, and information programs for natural grass; to periodically prepare and make public reports of program activities and, at least once each fiscal period, to make public an accounting of funds received and expended; and to allocate a percentage of the assessments collected on the sale of natural grass sod products in a State or a region to one or more programs proposed by a Qualified Organization, under contract, to receive funding.

Section 1240.39 of the proposed Order would specify prohibited activities that are common to all promotion programs authorized under the Act. The Board members and employees would not engage in any actions that would be a conflict of interest; use funds collected by the Board to lobby (influencing any legislation or governmental action or policy by local, State, national, and foreign governments, or subdivisions thereof, other than recommending to the Secretary amendments to the Order); or engage in any advertising, including promotion, research, or information activities authorized to be carried out under the Order that may be false, misleading, or disparaging to another agricultural commodity.

Expenses and Assessments

Pursuant to sections 516 (7 U.S.C. 7415) and 517 (7 U.S.C. 7416) of the Act, §§ 1240.45 through 1240.47 of the proposed Order would detail requirements regarding the Board's budget and expenses, financial statements, and assessments. At least 60 calendar days before the start of the fiscal period, and as necessary during the year, the Board would submit a

budget to the Secretary detailing its projected expenses. The budget would include a list of objectives and strategies, a summary of anticipated revenue, and expenses for each program along with a breakdown of staff and administrative expenses. Except for the initial budget, the Board's budgets would include comparative data for at least one preceding fiscal period. Each budget would provide for adequate funds to cover the Board's anticipated expenses. Any amendment or addition to an approved budget would have to be approved by Secretary, including shifting of funds from one program, plan, or project to another. The Board would reimburse the Secretary for all expenses incurred in the implementation, administration, enforcement, supervision of the Order, including all referendum costs in connection with the Order.

During the first year of the Board's operation, the Board could borrow money for the payment of startup expenses limited to the first year of operation. The Board could accept voluntary contributions to carry out activities so long as the contributions are identified in the Board's annual operating budget and are free from any encumbrance by the donor. The Board would retain control over use of any funds. The Board could also receive funds from Federal or State grants with approval of the Secretary for specific authorized projects.

Beginning 3 years after establishment of the Board, the Board would be limited to spending no more than 15 percent of its available funds for administration, maintenance, and functioning of the Board. Reimbursements to USDA would not be considered administrative costs. As an example, if the Board received \$2 million in assessments during a fiscal period, and had available \$500,000 in reserve funds, the Board's available funds would be \$2,500,000. In this scenario, the Board would be limited to spending no more than \$375,000 (0.15 × \$2.5 million) on administrative costs. The 15 percent spending limit is consistent with section 515 of the Act (7 U.S.C. 7413). The Board could establish an operating monetary reserve and carry over excess funds from one fiscal period to the next, provided the funds did not exceed two fiscal year budgets. For example, if the Board's budgeted expenses for a fiscal period were \$2 million, it could carry over no more than \$4 million in reserve.

Section 1240.46 of the proposed Order would specify the financial statement requirements. The Board would be required to submit to USDA

financial statements on a quarterly basis, or at any other time requested by the Secretary. Financial statements would include, at a minimum, a balance sheet, an income statement, investments, and an expense budget.

Section 1240.47 of the proposed Order would specify the assessments. The Board's programs and expenses would be funded by assessments on natural grass sod products and other funds available to the Board. Under the proposed Order, natural grass sod producers would pay one-tenth ($\frac{1}{10}$ th) of one penny (\$0.01) per square foot, or the equivalent thereof, of all-natural grass sod products that the natural grass sod producer sells in the United States. For example, a farm that harvested 10,000 square feet of sod would pay \$10 in assessments (10,000 × .001). This assessment rate was determined through an analysis of U.S. natural grass sod production farm and acreage data from the 2017 USDA–NASS Census of Agriculture along with internal data from TPI. A wide range of farm sizes, annual acres harvested, and assessment rates were assembled for analysis to determine an assessment rate that would (1) be amenable to sod producers; (2) not be overly burdensome; and (3) result in enough funds to have an impact on the market. At the end of these discussions, the entire formation committee of 14 members of different farm sizes, regions, and products all agreed that the proposed assessment rate met each of those conditions.

Twenty-four months after the Order would become effective and periodically thereafter, the Board would review the assessment rate and, if approved by a vote of at least two-thirds ($\frac{2}{3}$) of the Board, submit a recommendation for a change in the assessment rate to the Secretary. The assessment rate would not exceed one-eighth ($\frac{1}{8}$ th) of one penny (\$0.01) per square foot of natural grass sod products sold without approval by a majority of natural grass sod producers in a referendum.

In terms of assessment collection, the natural grass sod producer would remit assessments for natural grass product sold to the Board every quarter with a remittance form.

Based on 2017 USDA NASS production acreage, TPI estimates assessments would be valued at approximately \$14.9 million annually. Assessments would be collected from approximately 1,459 natural grass sod producers.

In addition, individuals producing certified organic natural grass sod, according to 7 CFR part 205, would be exempt from paying assessments.

Producers would apply to the Board annually for a certificate of exemption using a form provided by the Board.

Pursuant to section 517(f) of the Act (7 U.S.C. 7416) and section 1240.45(j) of this Order, the Board would be permitted to invest assessments collected under the Order in the following: (1) obligations of the United States or any agency of the United States; (2) general obligations of any State or any political subdivision of a State; (3) interest-bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve; and (4) obligations fully guaranteed as to principal interest by the United States.

The program would be funded by the industry through assessments paid by natural grass sod producers, as defined in the Proposed Order. Based on the proposed assessment rate and an analysis of industry statistics provided by USDA and maintained by TPI, publicly available farm statistics as well as TPI, the program is estimated to collect \$14,900,000 annually in assessments and will conduct research, marketing, and promotion programs that will benefit the entire industry. The benefits of such programs are expected to outweigh the costs of the program. Evaluations of similar research and promotion programs by independent economists, required to be conducted every 5 years, have shown positive financial benefits with benefit-cost ratios in the range of \$2.14 to \$17.40 for every dollar invested in the programs.⁶ After reviewing and considering all relevant information, AMS has determined that the assessments collected from the natural grass sod producers will be relatively small in comparison to their revenue.

Under voluntary programs, the current universe of assessment payers does not always include all the industry participants who would likely benefit from generic research and promotion activities. Therefore, a mandatory research and promotion program would be best positioned to have the greatest industry impact with the broadest level of industry support by eliminating free riders. A free rider is an entity who benefits from a service without having to pay for it. The research and promotion program would be able to combine assessment funds from natural grass sod producers and have a broad impact on the industry by developing new markets, strengthening existing

⁶ See US Gov't Accountability Office, GAO–18–54, AGRICULTURAL PROMOTION PROGRAMS USDA Could Build on Existing Efforts to Further Strengthen Its Oversight (2017), <https://www.gao.gov/assets/690/688519.pdf>.

markets, conducting important consumer and scientific research, and promoting industry initiatives and activities.

Promotion, Research, and Information

Pursuant to section 516 of the Act (7 U.S.C. 7415), §§ 1240.50 through 1240.52 of the Order would describe the promotion, research, and information projects authorized by the Order. The Board would develop and submit to the Secretary for approval programs, plans, or projects that would provide promotion, research, and information. These activities would also provide information to consumers and industry groups. The Board could only implement a program or project upon approval by the Secretary. The Board would evaluate each program to ensure it contributes to an effective promotion program and complies with the Act and Order.

At least once every 5 years, the Board would fund an independent evaluation to determine the effectiveness of the Order and programs pursuant to the Act. The findings of the evaluation would be made available to the Secretary and the general public. Finally, the proposed Order would specify that any patents, copyrights, trademarks, inventions, product formulations and publications developed with funds received by the Board would be the property of the U.S. Government, as represented by the Board. These, along with any rents, royalties, and the like from their use would be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board, and could be licensed with approval of the Secretary.

Report, Books, and Records

Pursuant to section 515 of the Act (7 U.S.C. 7413), §§ 1240.60 through 1240.62 of the proposed Order specify the reporting and recordkeeping requirements under the proposed Order as well as requirements regarding confidentiality of information. Each natural grass sod producer would be required to submit an assessment remittance form and assessments to the Board on a quarterly basis. The information required in the form would include, but not be limited to, the name and contact information of the natural grass sod producer, the quantity of natural grass sod products sold, and the natural grass sod producer's identification numbers, as applicable. Records would be made available to the Board or USDA during normal business hours and retained for at least 3 years past the fiscal year.

In addition to books and records, the proposed Order would also require that all information obtained from persons subject to the Order as a result of proposed recordkeeping and reporting requirements would be kept confidential by all officers, employees, and agents of the Board and USDA. Pursuant to the Act, such information could only be disclosed if the Secretary considered it relevant, and the information were revealed in a judicial proceeding or administrative hearing brought at the direction or at the request of the Secretary or to which the Secretary or any officer of USDA was a party. Other exceptions for disclosure of confidential information would include the issuance of general statements based on reports or on information relating to a number of persons subject to the proposed Order, if the statements did not identify the information furnished by any person, or the publication, by direction of the Secretary, of the name of any person violating the Order and a statement of the particular provisions of the Order violated.

Initial Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of this rulemaking on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis (RFA).

The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000.

The affected industry falls under the North American Industry Classification System (NAICS) code: 111421—Sod Farming.

Need for a Program

The TPI, who represents natural grass sod farmers, equipment manufacturers, seed producers, and other industry participants, is the proponent group that submitted the proposed Order to USDA on June 16, 2021, requesting the establishment of a natural grass sod promotion, research, and information program. In 2017, TPI began to explore the creation of a promotion and research program. TPI worked with natural grass sod producers and other industry organizations to gauge interest in the development of such a program. In 2020 a drafting committee was formed to develop a draft Order. The drafting committee comprised fourteen natural

grass sod producers representing a wide variety of natural grass sod farms. The producers represented a range of farm size, years in business, and familiarity with other research and promotion programs. The drafting committee proposed Order was part of the submission by TPI to USDA for consideration of a program. The proposed Order submitted by TPI intends to educate the public on the value of natural grass products, market and promote the benefits of natural grass on a national scale, provide U.S. sod farmers with marketing tools, and provide information to organizations for use in the development of model codes and standards for building codes.

The synthetic turf industry has grown 15 percent since 2017 with a current value of \$2.7 billion and continues to grow at a rate of 5.7 percent through 2022, with sports fields representing 63 percent of the market and rapid growth in landscape applications.⁷ The rise in synthetic turf numbers comes from social and market trends that have driven consumer perception of natural grass lawns and athletic fields in urban and suburban environments. These trends have caused consumers to misunderstand the value of natural grass lawns and athletic fields in urban and suburban environments. This has caused consumers to reduce the amount of grass they manage and/or replace it with other products like plastic, artificial turf, patios, decks, mulch, concrete, brick pavers, and rubberized playgrounds. These misconceptions have had a significant impact on natural grass sod producers in many areas of the United States.

Objectives of the Action

As noted in the preamble above, the program would conduct research, marketing, and promotion activities that will benefit the entire industry. Primary goals of the program include educating consumers and stakeholders of the benefits of natural grass and providing producers with marketing tools they can use to grow their business. The purpose of the program would be to strengthen the position of natural grass sod in the marketplace, maintain and expand markets for natural grass sod, and develop new uses for natural grass sod.

Legal Basis for the Rule

The Proposed Order is authorized by the 1996 Act, which provides USDA the

⁷ 2020 Synthetic Turf Market Report for North America. Synthetic Turf Council <https://www.syntheticurfCouncil.org/news/512350/Synthetic-Turf-Council-STC-Releases-2020-Synthetic-Turf-Market-Report-for-North-America.htm> (last visited June 2, 2021).

authorization to establish research and promotion programs for agricultural commodities. Under the Act, “agricultural commodities” are defined to include agricultural products as well as “products processed or manufactured from products specified in the preceding subparagraphs, as determined appropriate by the Secretary.” The Act also includes provisions that authorize the Secretary to tailor programs to the specific characteristics of each different commodity, including section 7413 that provides USDA discretion in determining to whom the Order should apply among the following: “(A) the producers of an agricultural commodity; (B) the first handlers of the agricultural commodity and other persons in the marketing chain as appropriate; and (C) the importers of the agricultural commodity, if imports of the agricultural commodity are subject to assessment. . .”.

Natural grass sod products fall within the Act’s definition of an agricultural commodity and natural grass sod producers, as defined in the proposed Order, fall within the categories of “first handlers” and “other persons in the marketing chain.” The proposed Order, which will establish a program of promotion, research, and information to promote consumer demand for natural grass sod products and strengthen the position of the natural grass sod industry in the marketplace, is consistent with the Congressional intent of the Act to maintain and expand existing markets as well as develop new markets and uses for agricultural commodities. As such, USDA is authorized to establish the Natural Grass Sod Promotion, Research, and Information program by approving the proposed Order.

As part of the approval process set forth in the Act, the industry must formulate an Order and submit it to USDA for review and final approval. Implementation of the Order, like all rulemaking, is subject to public notice and comment, and is subject to ongoing referenda where participants are given

the opportunity to vote to determine whether the program shall continue to operate. If approved by the USDA and through the ongoing referenda, the Order becomes a regulation codified in the U.S. Code of Federal Regulations and carries the force of law.

There are no known Federal rules that duplicate, overlap, or conflict with the Proposed Order.

Alternatives to the Rule

USDA considered the alternative of no action; that is, the status quo. This alternative, however, would leave the industry without the tools of a research and promotion program to strengthen the position in the marketplace, maintain and expand markets, and develop new uses.

Although there has been sporadic success attempting to fund efforts as described above at the local level with pooled resources of producers and/or associations, voluntary research and promotion efforts at the national level have historically been marginally successful due to the lack of funds available to undertake larger programs. There are several entities that fund natural grass research and promotion efforts at state and regional levels, but none of which have the capacity to fund these efforts on a large scale. For instance, many State sod associations fund research and promotion at levels under \$10,000 annually. TPI funds research and promotion through its foundation, The Lawn Institute, at up to \$50,000 to \$100,000 annually. However, these types of funds are raised through voluntary contributions and fundraising efforts such as auctions, raffles, activities, etc., and, while they have successfully been able to impact natural grass research and promotion on a small scale, none of these efforts can achieve what is proposed through a natural grass sod checkoff. A natural grass sod checkoff would not only be able to raise significant funds for these efforts, but the checkoff could also respond to changing needs in research and promotion. Through the collection of an

assessment on natural grass sod products on a national scale, the research and promotion program will be able to leverage pooled assessment funds and have a more consistent and wide-scale industry impact.

The natural grass sod production industry has been discussing a research and promotion program since at least 2013. TPI and other interested stakeholders have held numerous meetings and conducted outreach across the industry to gauge interest in a research and promotion program for natural grass sod products. As noted above, a majority of the natural grass sod producers who actively participated in the May 19, 2020, webinar supported the development of such a program for consideration. This resulted in the creation of the sod research and promotion drafting committee, which drafted the proposed order that is under consideration in this proposed rule.

After careful analysis and discussions, the natural grass sod industry determined that a research and promotion program would be best positioned to have the greatest industry impact with the broadest level of industry support.

Impact on Small Businesses

The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000. According to the 2017 USDA NASS data, 1,034 firms—approximately 70 percent of producers—would be classified as small agricultural producers based on value of sales per farm. Table 2 compares the average value of sales per farm to the average assessment per farm for each category. Because the assessment is calculated on a production basis, the proportionate burden is the same across the industry, regardless of firm size. On a farm basis, small natural grass sod producers would pay between \$174 and \$7,111 in assessments annually per firm, while large natural grass sod producers would pay between \$13,297 and \$63,420.

TABLE 2⁸—NUMBER OF FARMS, ACRES, VALUE OF SALES, AND AVERAGE PROPOSED ASSESSMENT PER FARM

	NAICS code 111421		2017 Dollars	
	Farms	Acres	Avg. value of sales per farm	Avg. annual assessment per farm
Total Industry	1,459	339,551	\$787,467	\$10,138
Small Firms (<\$750,000)	1,034	74,938	233,459	2,886
Large Firms (>750,000)	425	264,614	11,526,586	33,134

⁸ 2017 USDA NASS Census <https://www.nass.usda.gov/Publications/AgCensus/2017/>

Full Report/Volume 1, Chapter 1 US/st99_1_0039_0039.pdf.

The proposed assessment rate of 1/10th of one penny per square foot was decided upon by the industry in part because it was determined that rate would not create any undue burdens to sod farms of any size, including small businesses. Data from the National Quarterly Sod Report; 2020 Summer Quarter⁹ indicate a range of natural grass sod prices across the United States from \$0.16 to \$0.50 per square foot results in additional costs of between 0.62 percent and 0.2 percent. Furthermore, when evaluating the prices based on weighted averages instead of ranges, the additional costs incurred are between 0.42 percent and 0.24 percent.

This level of assessment should have minimal impact on sod farms of any size, large or small, and was part of the consideration for the drafting committee in supporting the proposed rate. For instance, a sod farm that is considered a small business may harvest as little as 10 acres annually. At the proposed assessment rate and pricing data from the National Sod Report, the annual contribution of that farm to the research and promotion program would be \$435 per year, while generating sales revenue between \$69,696 and \$217,800.

Required Reporting and Recordkeeping

The required reporting and recordkeeping to remit assessments do not require specialized skills or training. The transactional documentation will be added to documents already generated and maintained by natural grass sod producers. Reporting requirements are expected to be the same for both large and small entities.

It is estimated it will take approximately 2 hours annually, or 30 minutes every quarter, to complete and submit the remittance form to the Board. This is estimated to cost each natural grass sod producer \$102 per year. For the purpose of estimating the cost of reporting and recordkeeping, this proposed rule uses \$51 per hour. To arrive at this amount, AMS took the mean hourly earnings of farmers, ranchers, and other agricultural managers (\$36.93) from the U.S. Department of Labor, Bureau of Labor Statistics, May 2020 National Occupational Employment and Wages Estimates.¹⁰ The average mean hourly wage rate of \$36.93 plus an additional 38.1 percent to account for benefits and

compensation,¹¹ for a total hourly wage of \$51, was used to calculate annual cost. Costs of benefits and compensation guidance was obtained from the Bureau of Labor Statistics News Release issued December 14, 2018.¹²

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Regarding outreach efforts, USDA would keep these individuals informed throughout the program implementation and referendum process to ensure that they are aware of and are able to participate in the program implementation process. USDA would also publicize information regarding the referendum process so that trade associations and related industry media can be kept informed.

Although AMS has performed this initial RFA analysis regarding the impact of the proposed rule on small entities, in order to have as much data as possible for a more comprehensive analysis, we invite comments concerning potential effects.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), AMS announces its intention to request approval for a new information collection for the proposed natural grass sod program.

Title: Natural Grass Sod Research, Promotion, and Information Order.

OMB Number: 0581-NEW.

Expiration Date of Approval: 3 years from approval date.

Type of Request: New information collection for research and promotion program.

Abstract: The information collection requirements are essential to carry out the intent of the Act. The information collection pertains to a proposal submitted by TPI for the development of a national research and promotion program for natural grass sod. The program would be administered by a Board of producer members selected by the Secretary. Natural grass sod producers would be assessed under the program for natural grass products. The program would provide an exemption from assessment for any organic natural

grass products under the approved National Organic Program (7 CFR part 205). The purpose of the proposed program is to help build the market for natural grass.

The proposed forms would require the minimum information necessary to effectively carry out the requirements of the proposed Order, and their use is necessary to fulfill the intent of the Act.

The information collection requirements under the program address Board nominations, collection of assessments, and the organic exemption. For Board nominations, natural grass sod producers and the public member must complete the "Nomination for Appointment" form to obtain names of nominees for appointment as members of the Board. Each individual must also complete a "Nominee's Agreement to Serve" form to allow the individual to disclose any relationship that could be of conflict while serving on the Board. Together with the AD-755 form, which details background information, this form would ensure the individual is qualified to serve on the Board. Assessments would be collected using the "Quarterly Report and Remittance of Amount Due" form. In conjunction, the "Organic Exemption Request" form would deduct any natural grass sod under the National Organic Program.

For the purpose of estimating the cost of reporting and recordkeeping, this proposed rule uses \$51 per hour. To arrive at this amount, AMS used the mean hourly earnings of farmers, ranchers, and other agricultural managers (\$36.93) from the U.S. Department of Labor, Bureau of Labor Statistics, May 2020 National Occupational Employment and Wages Estimates.¹³ The mean hourly earnings rate of \$36.93 plus an additional 38.1 percent to account for benefits and compensation,¹⁴ for total hourly earnings of \$51, was used to calculate annual cost. Costs of benefits and compensation guidance was obtained from the Bureau of Labor Statistics News Release issued December 14, 2018.¹⁵

Information collection requirements that are included in this proposal are:

¹³ Occupational Employment and Wages, May 2020; 11-9013 Farmers, Ranchers, and Other Agricultural Managers <https://www.bls.gov/oes/current/oes119013.htm>.

¹⁴ News Release Bureau of Labor Statistics, Employer Costs for Employee Compensation—June 17, 2021, <https://www.bls.gov/news.release/pdf/ecec.pdf>.

¹⁵ Economic News Release: Employer Costs for Employee Compensation Summary for December 2020 <https://www.bls.gov/news.release/ecec.nr0.htm>.

⁹ USDA Agricultural Marketing Service, Livestock, Poultry, and Grain Market News https://www.ams.usda.gov/mnreports/ams_2930.pdf.

¹⁰ Occupational Employment and Wages, May 2020; 11-9013 Farmers, Ranchers, and Other Agricultural Managers <https://www.bls.gov/oes/current/oes119013.htm>.

¹¹ News Release Bureau of Labor Statistics, Employer Costs for Employee Compensation—June 17, 2021, <https://www.bls.gov/news.release/pdf/ecec.pdf>.

¹² Economic News Release: Employer Costs for Employee Compensation Summary for December 2020 <https://www.bls.gov/news.release/ecec.nr0.htm>.

(1) *LP-7 Application for Self-Certification of Nominating Organizations (OMB Form No. 0581-NEW)*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each nominating organization.

Respondents: Natural grass sod producers and State or regional sod associations (15 State or regional sod associations).

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: (Estimate recertification every 5 years) 0.2.

Estimated Total Annual Burden on Respondents: (25 organizations and producers \times 0.2 responses \times 0.5 hour per response) 2.50 hours.

Total Cost: (2.50 hours \times \$51) \$127.50.

(2) *LP-4 Nomination for Appointment to the Board (OMB Form No. 0581-NEW)*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Natural grass sod producers.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: One per year.

Estimated Total Annual Burden on Respondents: (20 responses \times 0.5 hour per response) 10 hours.

Total Cost: (10 hours \times \$51) \$510.

(3) *LP-6 Quarterly Report and Remittance of Amount Due for Assessment (OMB Form No. 0581-NEW)*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per form.

Respondents: Natural grass sod producers.

Estimated Number of Respondents: 1,460.

Estimated Number of Responses per Respondent: 2 per year.

Estimated Total Annual Burden on Respondents: (1,460 Number of respondents \times 2 total number of reports \times 0.50 hour per report) 2,920 hours.

Total Cost: (2,920 hours \times \$51) \$148,920.

(4) *AMS-15 Organic Exemption (OMB Form No. 0581-0093)*

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 0.25 hours per exemption form.

Respondents: Natural grass sod producers.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: (Annual organic exemption required) 1.

Estimated Total Annual Burden on Respondents: (10 Number of respondents \times 1 total number of reports \times 0.25 hours per report) 2.50 hours.

Total Cost: (2.50 hours \times \$51) \$127.50.

(5) *AD-755 Background Information on Form (OMB Form No. 0505-0001)*

Estimate of Burden: Public reporting for this collection of information is estimated to average 0.5 hours per response for each natural grass sod producer and public member nominated to serve on the Board.

Respondents: Natural grass sod producers.

Estimated Number of Respondents: 14.33 (20 for initial nominations to the Board, 12 every year except 14 every third year in subsequent years).

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 10 hours for the initial nominations to the Board and 7 hours annually thereafter.

Total Cost: (Number of respondents \times responses per respondent \times \$51) \$510 initial, and \$357 annually thereafter.

(6) *Requirement To Maintain Records Sufficient To Verify Reports Submitted Under the Order*

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average 2 hours per recordkeeper maintaining such records.

Recordkeepers: Natural grass sod producers.

Estimated Number of Recordkeepers: 1,400.

Estimated Total Recordkeeping Hours: (1,400 Number of recordkeepers \times 2.0 hours) 2,800 hours.

Total Cost: (1,400 Number of recordkeepers \times 2.0 hours per recordkeeper \times \$51) \$142,800.

As noted above, under the proposed Order, natural grass sod producers would be required to pay assessments, file reports with, and submit assessments to the Board. While the proposed Order would impose certain recordkeeping requirements on natural grass sod producers, information required under the proposed Order could be compiled from records currently maintained. The Order would require such records to be retained for at least 3 years beyond the fiscal year of their applicability.

The proposed Order's provisions have been carefully reviewed, and every

effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other programs administered by USDA and other State programs.

The proposed forms would require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The forms would be simple, easy to understand, and place as small a burden as possible on the person required to file the information.

Collecting information quarterly would coincide with normal industry business practices. The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. The requirement to keep records for three years is consistent with normal industry practices. In addition, the information to be included on these forms is not available from other sources because such information relates specifically to individual domestic producers who are subject to the provisions of the Act. Therefore, there is no practical method for collecting the required information without the use of these forms.

Request for Public Comment Under the Paperwork Reduction Act

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the Order and AMS's oversight of the program, including whether the information will have practical utility; (b) the accuracy of AMS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) the accuracy of AMS's estimate of the number of natural grass sod producers that would be covered under the program; (d) ways to enhance the quality, utility, and clarity of the information to be collected; and (e) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments concerning the information collection requirements

contained in this action should reference the OMB number, docket number, date, and page number of this issue of the **Federal Register**. Comments should be sent to the address referenced in the **ADDRESSES** section of this proposed rule.

This proposed rule invites comments on the establishment of an industry-funded research, promotion, and information program for natural grass products. Comments should clearly indicate whether or not you support any or all of the provisions proposed. Indicate the reason for your position and include relevant information and data to further support your position.

List of Subjects in 7 CFR Part 1240

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Natural grass sod, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend title 7, chapter XI of the Code of Federal Regulations by adding part 1240 to read as follows:

PART 1240—NATURAL GRASS SOD PROMOTION, RESEARCH, AND INFORMATION ORDER

Subpart A—Natural Grass Sod Promotion, Research, and Information Order

Sec.
1240.10 General.
1240.20 Definitions.

Natural Grass Sod Board

1240.30 Establishment and membership.
1240.31 Nominations and appointments.
1240.32 Nominee's Agreement to Serve.
1240.33 Term of office.
1240.34 Removal.
1240.35 Vacancies.
1240.36 Procedure.
1240.37 Reimbursement and attendance.
1240.38 Powers and duties.
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Expenses and Assessments

1240.45 Budget and expenses.
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Promotion, Research, and Information

1240.50 Programs.
1240.51 Independent evaluation.
1240.52 Patents, copyrights, trademarks, inventions, product formulations, and publications.

Reports, Books, and Records

1240.60 Reports.
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1240.63 Qualification of natural grass sod organizations.

Miscellaneous

1240.70 Right of the Secretary.
1240.71 Referenda.
1240.72 Suspension or termination.
1240.73 Proceedings after termination.
1240.74 Effect of termination or amendment.
1240.75 Personal liability.
1240.76 Separability.
1240.77 Amendments.
1240.78 OMB control number.

Subpart B—[Reserved]

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

Subpart A—Natural Grass Sod Promotion, Research, and Information Order

§ 1240.10 General.

The terms defined/specified in this subpart shall apply to the natural grass sod promotion, research, and information Board authorized under the Act.

§ 1240.20 Definitions.

Act means the Commodity Promotion, Research and Information Act of 1996 (7 U.S.C. 7411–7425), and any amendments thereto.

Board means the Natural Grass Sod Promotion, Research, and Information Board established pursuant to § 1240.30, or such other name as recommended by the Board and approved by USDA.

Conflict of interest means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

Department or USDA means the U.S. Department of Agriculture, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

Eligible natural grass sod producer refers to a natural grass sod producer that has sold natural grass sod products in the United States during the Representative Period and is eligible to vote in the initial referendum or Subsequent Referenda.

Fiscal Year and marketing year means the 12-month period ending on December 31 or such other period as recommended by the Board and approved by the Secretary.

Information means information and programs for consumers, customers, architects, city planners, and various industry participants and trades personnel, including educational activities, information, and programs designed to enhance and broaden the

understanding of the use and attributes of natural grass, increase efficiency in producing natural grass sod products, maintain and expand existing markets, and develop new markets and marketing strategies. These include:

(1) Consumer education and information, which means any action taken to provide information to, and broaden the understanding of, the general public regarding natural grass; and

(2) Industry information, which means information and Programs that would enhance the image of the natural grass industry.

Initial referendum refers to the referendum required to approve this subpart as outlined in § 1240.71.

Natural grass refers to plant species in the Poaceae family, or living plants in other taxa serving a similar purpose, as often found in sites such as lawns, sports fields, golf courses, parks, cemeteries, roadsides and others.

Natural grass sod producer means any person who produces natural grass sod products in the United States.

Natural grass sod product refers to natural grass produced for retail, wholesale, or commercial sale, including monostands or blends or mixtures of Bentgrass, Bermudagrass, Buffalograss, Centipedegrass, Fine fescue, Kentucky bluegrass, Ryegrass, Seashore Paspalum, St. Augustinegrass, Tall fescue, Zoysiagrass, Bahiagrass, other native or adapted plants harvested and sold as sod, and products containing natural grass with artificial elements that are sold as sod. For purposes of this Order, natural grass sod product excludes all artificial and synthetic turf or grass products, natural grass seed, sprigs, and plugs.

Order means an order issued by the Secretary under section 7413 of the Act that provides for a program of generic promotion, research, and information regarding agricultural commodities authorized under the Act.

Part and subpart means the Natural Grass Sod Promotion, Research, and Information Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Natural Grass Sod Promotion, Research, and Information Order shall be a subpart of such part.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

Produce means the process of growing and/or harvesting natural grass sod products for the purpose of selling such products either individually or in combination with other products, real

property, or services in the United States.

Program means those generic research, promotion, and information programs, plans, or projects established pursuant to the Order.

Promotion means any action, including paid advertising and the dissemination of information, utilizing public relations or other means, to enhance and broaden the understanding of the use and attributes of natural grass for the purpose of maintaining and expanding markets for natural grass sod products.

Qualified organization means any organization that has the primary purpose of representing natural grass sod producers, has natural grass sod producers as members, has a board of directors comprised of a majority of natural grass sod producers, and is approved by the Secretary pursuant to the qualification process set forth in § 1240.63.

Quarterly period means one of the four 3-month periods that are based upon a calendar year cycle (*i.e.*, January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31).

Representative period means the time period designated by the Secretary pursuant to section 518 (7 U.S.C. 7417) of the Act.

Research means any type of test, study, or analysis designed to enhance the image, desirability, use, marketability, production, environmental quality, or sustainability of natural grass, including research directed to product characteristics and product development like new products or improved technology in the production of natural grass sod products.

Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

State means any of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

Subsequent Referenda refers to any referendum conducted pursuant to § 1240.71 of this subpart after this subpart becomes effective.

Suspend means to issue a rule under 5 U.S.C. 553 to temporarily prevent the operation of an Order or part thereof during a particular period of time specified in the rule.

Terminate means to issue a rule under 5 U.S.C. 553 to cancel permanently the

operation of an Order or part thereof beginning on a date certain specified in the rule.

United States means collectively the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

Natural Grass Sod Promotion, Research, and Information Board

§ 1240.30 Establishment and membership.

(a) *Establishment of the Board.* There is hereby established a Natural Grass Sod Promotion, Research, and Information Board to administer the terms and provisions of this part. The Board shall be composed of natural grass sod producers that sell natural grass sod products in the United States during a marketing year and a public member. Seats on the Board shall be apportioned as set forth in paragraph (b) of this section based on the geographical distribution of the quantity of natural grass sod products sold in the United States.

(b) *Composition of Board.* The Board shall be composed of 11 members who are natural grass sod producers and one public member. The Board shall be established as follows:

(1) *North/Cool-Season Region.* Three members shall be appointed from the North/Cool-Season Region, which includes the following States: Alaska, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming.

(2) *South/Warm-Season Region.* Four members shall be appointed from the South/Warm-Season Region, which includes the following States: Alabama, Arizona, Florida, Georgia, Hawaii, Louisiana, Mississippi, Nevada, New Mexico, South Carolina, Texas, and all territories and possessions of the United States, including but not limited to, the Commonwealth of Puerto Rico.

(3) *Transition Zone/California Region.* Three members shall be appointed from the Transition Zone/California Region, which includes the following States: Arkansas, California, the District of Columbia, Kansas, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, Tennessee, Virginia, and West Virginia.

(4) *States with the highest volume of natural grass sod production.* The three (3) States with the highest volume of natural grass sod production, as determined by the Secretary on an annual basis, shall have at least one (1)

natural grass sod producer to serve as a representative on the Board, in their respective Region.

(5) *Public member.* One public member. The public member may not be a natural grass sod producer or have a financial interest in the production, sales, marketing or distribution of natural grass sod. Nominations to the Secretary for the public member position may be obtained through self-nomination to the Board and from Board members in such a manner as recommended by the Board and approved by the Secretary and shall be appointed by the Secretary. Should the Board fail to nominate a public member, the Secretary may appoint such member.

(c) *Reapportionment.* At least once in every 5-year period, but not more frequently than once in every 3-year period, the Board will review the geographical distribution of the square footage of natural grass sod Products sold within the United States. The review will be conducted using the Board's annual assessment receipts, industry data provided by USDA, and, if available, other reliable reports from the industry. If warranted, the Board will recommend to the Secretary that the membership, geographical regions, and/or size of the Board be adjusted to reflect changes in geographical distribution of the square footage of natural grass sod products sold in the United States. Any changes in Board composition shall be implemented by the Secretary through rulemaking.

§ 1240.31 Nominations and appointments.

(a) Initial nominations shall be submitted to the Secretary by the industry organizations that have a board composed of a majority of natural grass sod producers; by individual natural grass sod producers; and from members of the public. The Secretary shall select the initial members of the Board from the nominations submitted.

(b) Subsequent nominations shall be conducted as follows:

(1) The Board shall conduct outreach to all known natural grass sod producers that sell natural grass sod products in a marketing year as well as any known industry organizations that have a board comprised of a majority of natural grass sod producers. Natural grass sod producers and industry organizations may submit nominations to the Board;

(2) Natural grass sod producer nominees and the public member nominee may provide the Board a short background statement outlining their qualifications to serve on the Board;

(3) Nominees may seek nomination to the Board for all vacant seats for which the nominees are qualified;

(4) Natural grass sod producers must produce and sell natural grass sod products in the region for which they seek nomination. Nominees that produce and sell in multiple regions may seek nomination in one region of their choice. The Board will issue the call for nominations to all known natural grass sod producers and recommend nominees for each open seat and the additional nominees to the Secretary;

(5) The public member shall be nominated by a Qualified Organization and through self-nomination to the Board. The public member shall have no direct financial interest in the commercial production or marketing of natural grass sod except as a consumer and shall not be a director, stockholder, officer or employee of any firm so engaged. The Board shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and the Secretary approves.

(6) The Board will evaluate all the nominees and recommend at least two names for each open seat. Other qualified persons interested in serving in the open seats, but not recommended by the Board, will be designated by the Board as additional nominees for consideration by the Secretary;

(7) The Board must submit nominations to the Secretary at least 90 days before the new Board term begins. From the nominations submitted by the Board, the Secretary shall select the members of the Board;

(8) Any natural grass sod producer and public member nominated to serve on the Board shall file with the Secretary at the time of the nomination a background questionnaire;

(9) From the nominations made pursuant to this section, the Secretary shall appoint members of the Board on the basis of representation provided in § 1240.30(b);

(10) No two Board members shall be employed by a single corporation, company, partnership or any other legal entity that pays assessments under this Subpart; and,

(11) The Board may recommend to the Secretary modifications to its nomination procedures as it deems appropriate. Any such modification shall be implemented through rulemaking by the Secretary.

§ 1240.32 Nominee's agreement to serve.

Any producer or person nominated to serve on the Board shall file with the Secretary at the time of the nomination

a written agreement to: (a) serve on the Board if appointed; (b) disclose any relationship with any National Grass Sod Producer or with any organization that has or is being considered for a contractual relationship with the Board; and (c) withdraw from participation in deliberations, decision-making, or voting on matters that concern the relationship disclosed.

§ 1240.33 Term of office.

(a) With the exception of the initial Board, each Board member shall serve for a term of 3 years or until the Secretary selects his or her successor. Each term of office shall begin and end on dates determined by the Board. No member may serve more than two full consecutive 3-year terms, except as provided in paragraph (b) of this section.

(b) For the initial Board, the terms of the Board members shall be staggered for 1, 2 and 3 years. Each region initially shall have one member who serves 2-year terms and two members who serve 3-year terms. In addition, the South/Warm-Season Region shall have one member who serves a 1-year term. The Secretary shall determine which of the initial members shall serve a term of 1, 2, or 3 years. The public member shall serve an initial three-year term.

(c) Members serving the initial terms of all durations will be eligible to serve a second term of 3 years. Members who are appointed to serve the remainder of a term are eligible to serve two additional 3-year terms. A public member serving the initial term is not eligible to serve two additional 3-year terms.

§ 1240.34 Removal.

The Board may recommend to the Secretary that a member be removed from office if the member consistently fails or refuses to perform his or her duties properly or engages in dishonest acts or willful misconduct, which removal is subject to the Secretary's approval. If the Secretary determines that a member fails or refuses to perform his or her duties properly or engages in acts of dishonestly or willful misconduct, the Secretary shall remove the person from office. A person appointed under this subpart may be removed by the Secretary if the Secretary determines that the person's continued service would be detrimental to the purposes of the Act.

§ 1240.35 Vacancies.

(a) If a member is removed from office or resigns, or in the event of death of any member, such position shall automatically become vacant.

(b) If a member becomes disqualified for ceasing to produce natural grass sod products or ceasing to do business in the region he or she represents, such position shall be vacated within a period of 6 months from the date of the disqualifying event.

(c) If a position becomes vacant, nominations to fill the vacancy will be conducted using the nominations process set forth in this subpart or the Board may recommend to the Secretary that he or she appoint a successor from the most recent list of nominations for the position.

(d) A vacancy will not be required to be filled if the unexpired term is less than 6 months.

§ 1240.36 Procedure.

(a) The Board shall publicly announce all scheduled Board meetings through a direct communication, press release, or other means and give the Secretary the same notice of meetings of the Board (including committees, subcommittees, and the like) as is given to members so that the Secretary's representative(s) may attend such meetings.

(b) A majority (50 percent plus one) of the Board members shall constitute a quorum at any meeting of the Board.

(c) Each member of the Board shall be entitled to one (1) vote on any matter put to the Board and the motion will carry if supported by a majority (50 percent plus one vote) of Board members, except for recommendations to change the assessment rate, adopt a budget, or call for a referendum, which require affirmation by two-thirds of the total number of Board members.

(d) At an assembled meeting, all votes shall be cast in person. At a meeting in which some or all members attend via an internet service, videoconference, or teleconference, members may cast votes remotely by using available technology according to procedures that shall be established by the Board.

(e) In lieu of voting at an assembled meeting and, when in the opinion of the chairperson of the Board such action is considered necessary, the Board may take action if supported by a majority of members (unless two-thirds is required under the Order) by mail, telephone, electronic mail, facsimile, or any other means of communication. In that event, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at an assembled meeting. All votes shall be recorded in Board minutes.

(f) There shall be no proxy voting.

(g) The organization of the Board and the procedures for conducting meetings

of the Board shall be in accordance with its bylaws, which shall be established by the Board and approved by the Secretary.

§ 1240.37 Reimbursement and attendance.

Board members shall serve without compensation, but shall be reimbursed for reasonable travel expenses, as approved by the Board, which they incur when performing Board business.

§ 1240.38 Powers and duties.

The Board shall have the following powers and duties:

(a) To administer this subpart in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the Board, and such rules and regulations as may be necessary to administer the Order, including activities authorized to be carried out under the Order;

(c) To meet not less than annually, organize, and select from among the members of the Board a chairperson, vice chairperson, secretary/treasurer, other officers, and committees and subcommittees, as the Board determines to be appropriate. The committees and subcommittees may include persons other than Board members, including representatives of natural grass sod producers, as the Board deems necessary and appropriate, provided Board members constitute a majority of all committees and subcommittees;

(d) To employ or contract with persons, other than the Board members, as the Board considers necessary to assist the Board in carrying out its duties, and to determine the compensation and specify the duties of the persons;

(e) To develop and submit programs to the Secretary for the Secretary's approval, and enter into contracts or agreements related to such programs, which must be approved by the Secretary before becoming effective, for the development and carrying out of Programs of Promotion, Research, and Information. The payment of costs for such activities shall be from funds collected pursuant to this Order. Each contract or agreement shall provide that:

(1) The contractor or agreeing party shall develop and submit to the Board a Program together with a budget or budgets that shall show the estimated cost to be incurred for such Program;

(2) The contractor or agreeing party shall keep accurate records of all its transactions and make periodic reports to the Board of activities conducted, submit accounting for funds received

and expended, and make such other reports as the Secretary or the Board may require;

(3) The Secretary may audit the records of the contracting or agreeing party periodically; and

(4) Any subcontractor who enters into a contract with a Board contractor and who receives or otherwise uses funds allocated by the Board shall be subject to the same provisions as the contractor; and

(5) Any other provisions required by the Secretary.

(f) To allocate, to the extent practicable, up to fifty percent (50%) of the assessments collected on the sale of natural grass sod Products in a State or group of States, as defined in § 1240.20, less administrative costs, to one or more Programs proposed by a Qualified Organization representing such State or group of States. On an annual basis, the Board shall solicit proposals for Programs, select the Programs that shall receive funding, and enter into contracts only with the entities that will directly implement the Programs. If the Qualified Organization is not the entity that will implement the Program, the Board may reimburse the Qualified Organization for reasonable administrative costs incurred while making such proposal. For purposes of this § 1240.38, the Secretary shall have the authority to approve an organization that the Board nominates to be a "Qualified Organization" pursuant to the qualification process set forth in § 1240.63.

(g) To prepare and submit for the approval of the Secretary fiscal year budgets in accordance with § 1240.45.

(h) To borrow funds necessary for startup expenses or other capital outlays of the Board as set forth in the subpart;

(i) To invest assessments collected and other funds received pursuant to this subpart and use earnings from invested assessments to pay for activities carried out pursuant to this subpart;

(j) To recommend changes to the assessment rates as provided in this subpart;

(k) To cause its books to be audited by an independent auditor at the end of each fiscal year and at such other times as the Secretary may request, and to submit a report of the audit directly to the Secretary;

(l) To periodically prepare and make public reports of program activities and, at least once each fiscal year, to make public an accounting of funds received and expended;

(m) To maintain such minutes, books and records, and prepare and submit such reports and records from time-to-

time to the Secretary as the Secretary may prescribe; to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it; and to keep records that accurately reflect the actions and transactions of the Board;

(n) To act as an intermediary between the Secretary and any natural grass sod producer;

(o) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(p) To recommend to the Secretary such amendments to this subpart as the Board considers appropriate; and

(q) To work to achieve an effective, continuous, and coordinated Program of Promotion, Research, and Information and to carry out programs designed to provide maximum benefits to the natural grass sod industry.

§ 1240.39 Prohibited activities.

The Board may not engage in, and shall prohibit the employees and agents of the Board from engaging in:

(a) Any action that would be a conflict of interest;

(b) Using funds collected by the Board under the Order to undertake any action for the purpose of influencing legislation or governmental action or policy, by local, state, national, and foreign governments or subdivision thereof, other than recommending to the Secretary amendments to this subpart; and

(c) Any Program or advertising that is false, misleading, or disparaging to another agricultural commodity. Natural grass sod products of all geographic origins shall be treated equally.

Expenses and Assessments

§ 1240.45 Budget and expenses.

(a) At least 60 calendar days prior to the beginning of each fiscal year, and as may be necessary thereafter, the Board shall prepare and submit to USDA a budget for the fiscal year covering its anticipated expenses and disbursements in administering this Part. The budget for Research, Promotion, or Information may not be implemented prior to approval by the Secretary. Each such budget shall include:

(1) A statement of objectives and strategy for each Program;

(2) A summary of anticipated revenue, with comparative data for at least one preceding fiscal year, except for the initial budget;

(3) A summary of proposed expenditures for each Program; and

(4) Staff and administrative expense breakdowns, with comparative data for at least one preceding fiscal year, except for the initial budget.

(b) Each budget shall provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in this subpart.

(c) Subject to this section, any amendment or addition to an approved budget must be approved by the Department. Shifts of funds that do not result in an increase in the Board's approved budget and are consistent with governing bylaws need not have prior approval by the Department.

(d) The Board is authorized to incur such expenses, including provision for a reserve, as the Secretary finds reasonable and likely to be incurred by the Board for its maintenance and functioning, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from funds received by the Board.

(e) With approval from the Department, the Board may borrow funds necessary for startup expenses or other capital outlays of the Board as set forth in the subpart, which funds shall be subject to the same fiscal, budget, and audit controls as other funds of the Board.

(f) The Board may accept voluntary contributions. Such contributions shall be free from any encumbrance by the donor and the Board shall retain complete control of their use. The Board may receive funds from outside sources with approval of the Secretary for specific authorized projects.

(g) The Board shall reimburse the Secretary for all expenses incurred by the Secretary in the implementation, administration, enforcement and supervision of this Subpart, including all referendum costs in connection with this subpart.

(h) For fiscal years beginning 3 years after the date of the establishment of the Board, the Board may not expend for administration, maintenance, and the functioning of the Board an amount that is greater than 15 percent of the assessment and other income received by and available to the Board for the fiscal year. For purposes of this limitation, reimbursements to the Secretary, and other Board expenses outlined in guidance provided by the Secretary shall not be considered administrative costs.

(i) The Board may establish an operating monetary reserve and may carry over to subsequent Fiscal Years excess funds in any reserve so established; provided that, the funds in the reserve do not exceed two fiscal years' budget of expenses. Subject to approval by the Secretary, such reserve funds may be used to defray any expenses authorized under this subpart.

(j) Pending disbursement of assessments and all other revenue under a budget approved by the Secretary, the Board may invest assessments and all other revenues collected under this subpart in:

(1) Obligations of the United States or any agency of the United States;

(2) General obligations of any State or any political subdivision of a State;

(3) Interest bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve System;

(4) Obligations fully guaranteed as to principal interest by the United States; or

(5) Other investments as authorized by the Secretary.

§ 1240.46 Financial statements.

(a) The Board shall prepare and submit financial statements to the Department on a quarterly basis, or at any other time as requested by the Secretary. Each such financial statement shall include, but not be limited to, a balance sheet, income statement, and expense budget. The expense budget shall show expenditures during the time period covered by the report, year-to-date expenditures, and the unexpended budget.

(b) Each financial statement shall be submitted to the Department within 30 calendar days after the end of the time period to which it applies.

(c) The Board shall submit to the Department an annual financial statement within 90 calendar days after the end of the fiscal year to which it applies.

§ 1240.47 Assessments.

(a) The Board's programs and expenses shall be paid by assessments on producers of natural grass sod products in the United States, other income of the Board, and other funds available to the Board.

(b) Each natural grass sod producer shall be required to pay an assessment to the Board in the amount of one-tenth (1/10th) of one penny (\$0.01) per square foot, or the equivalent thereof, of all natural grass sod products that the natural grass sod producer sells in the United States.

(c) Twenty-four months after this subpart becomes effective and periodically thereafter, the Board shall review the assessment rate and, if so approved by a vote of at least two-thirds ($\frac{2}{3}$) of the Board, submit a recommendation for a change in the assessment rate to the Secretary. The assessment rate may not exceed one-eighth ($\frac{1}{8}$ th) of one penny (\$0.01) per square foot of natural grass sod products

sold without approval by a majority of natural grass sod producers in a referendum conducted pursuant to the procedures in this part.

(d) Upon the effective date of this Subpart, all natural grass sod producers shall be responsible for maintaining proper and sufficient sales receipts and records in order to accurately calculate their assessments owed to the Board pursuant to this Subpart. After each quarterly period, or such other time period set by the Board, natural grass sod producers shall calculate the amount of assessments they owe the Board and remit such payment to the Board no later than the last calendar day of the month following the end of the quarterly period, or such other time period set by the Board, in which the natural grass sod products were sold.

(e) If any natural grass sod producer fails to pay the assessment within 60 calendar days of the date it is due, the Board may impose a late payment charge and interest. The one-time late payment charge shall be equal to ten percent (10 percent) of the assessments due before interest charges have accrued. In addition to the late payment charge, one and one-half percent (1.5 percent) per month interest on the outstanding balance, including any late payment charge and accrued interest, will be added to any accounts for which payment has not been received by the Board within 60 calendar days after the assessments are due. Such interest will continue to accrue monthly until the outstanding balance is paid to the Board. Persons failing to remit total assessments due in a timely manner may also be subject to actions under Federal debt collection procedures or other means as the Board recommends to the Secretary.

(f) The Board may accept advance payment of assessments from any natural grass sod producer that will be credited toward any amount for which that person may become liable. The Board may not pay interest on any advance payment.

(g) If the Board is not in place by the date the first assessments are to be collected, the Secretary shall receive assessments and shall pay such assessments and any interest earned to the Board when it is formed.

Promotion, Research, and Information

§ 1240.50 Programs.

(a) The Board shall develop and submit to the Secretary for approval Programs authorized by this Subpart. Such Programs shall provide for Promotion, Research, Information and

other activities, including consumer and industry information and advertising.

(b) No Program shall be implemented prior to its approval by the Secretary. Once a program is so approved, the Board shall take appropriate steps to implement it.

(c) The Board must evaluate each program authorized under this subpart to ensure that it contributes to an effective and coordinated Program of Research, Promotion, and Information. The Board must submit the evaluations to the Secretary. If the Board finds that a program does not contribute to an effective Program of Promotion, Research, or Information, then the Board shall terminate such Program.

(d) No Program authorized under this subpart shall reference a brand or trade name of any natural grass sod product without the approval of the Board and Secretary.

§ 1240.51 Independent evaluation.

At least once every five years, the Board shall authorize and fund from funds otherwise available to the Board, an independent evaluation of the effectiveness of this subpart and the Programs conducted by the Board pursuant to the part. The Board shall submit to the Secretary, and make available to the public, the results of each periodic independent evaluation conducted under this section.

§ 1240.52 Patents, copyrights, trademarks, inventions, product formulations, and publications.

(a) Any patents, copyrights, trademarks, inventions, product formulations, and publications developed through the use of funds received by the Board under this subpart shall be the property of the U.S. Government, as represented by the Board, and shall along with any rents, royalties, residual payments, or other income from the rental, sales, leasing, franchising, or other uses of such patents, copyrights, trademarks, inventions, product formulations, or publications, inure to the benefit of the Board, shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board, and may be licensed subject to approval by the Secretary. Upon termination of this subpart, § 1240.73 shall apply to determine disposition of all such property.

(b) Should patents, copyrights, inventions, trademarks, information, publications, or product formulations be developed through the use of funds collected by the Board under this subpart together with funds contributed by another organization or person, the

ownership and related rights to such patents, copyrights, inventions, trademarks, information, publications, or product formulations shall be determined by an agreement between the Board and the party contributing funds toward the development of such patents, copyrights, inventions, trademarks, information, publications, or product formulations in a manner consistent with paragraph (a) of this section, subject to the approval by the Secretary.

Reports, Books, and Records

§ 1240.60 Reports.

(a) Natural grass sod producers will be required to provide periodically to the Board such information as the Board, with the approval of the Secretary, may require. Such information may include, but not be limited to:

- (1) The name and contact information of the natural grass sod producer;
- (2) The quantity of natural grass sod products sold;
- (3) The date that any assessments were paid; and
- (4) The natural grass sod producer's TIN, EIN, or other identification as may be applicable.

(b) Such information shall be reported to the Board no later than the 30th calendar day of the month following the end of the quarterly period in which the natural grass sod products were sold and shall accompany the collected payment of assessments as specified in § 1240.47. First quarter data (January–March) shall be reported to the Board no later than the April 30th; second quarter data (April–June) shall be reported no later than July 31st; third quarter data (July–September) shall be reported no later than October 31st; and fourth quarter data (October–December) shall be reported no later than January 31st of the following marketing year.

(c) In addition to the information required to be regularly reported to the Board, the Board may request additional information from natural grass sod producers as deemed necessary by the Board, subject to approval by the Secretary.

§ 1240.61 Books and records.

Each natural grass sod producer shall maintain any books and records necessary to carry out the provisions of this subpart and regulations issued thereunder, including such records as are necessary to verify any required reports. Such books and records must be made available during normal business hours for inspection by the Board's or Secretary's employees or agents. Natural grass sod producers must maintain the

books and records for 3 years beyond the fiscal year to which they apply.

§ 1240.62 Confidential treatment.

All information obtained from books, records, or reports under the Act, this subpart and the regulations issued thereunder shall be kept confidential by all persons, including all employees and former employees of the Board, all officers and employees and former officers and employees of contracting and subcontracting agencies or agreeing parties having access to such information. Such information shall not be available to Board members or natural grass sod producers. Only those Persons having a specific need for such information solely to effectively administer the provisions of this subpart shall have access to such information. Only such information so obtained as the Secretary deems relevant shall be disclosed by them, and then only in a judicial proceeding or administrative hearing brought at the direction, or at the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person; and

(b) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this part, together with a statement of the particular provisions of this part or subpart violated by such Person.

§ 1240.63 Qualification of natural grass sod organizations.

(a) Organizations receiving qualification from the Secretary will be entitled to submit requests for funding to the Board pursuant to § 1240.38. Only one natural grass sod producer organization per State may be qualified and only one natural grass sod producer per group of States may be qualified.

(b) Any natural grass sod producer organization whose primary purpose is to represent natural grass sod producers within a State or group of States may request qualification.

(c) Qualification shall be based, in addition to other available information, upon a factual report submitted by the organization that shall contain such information as the Secretary deems relevant for making such determination, including the following:

(1) The geographic territory covered by the organization's active membership;

(2) The nature and size of the organization's active membership and proportion of active membership accounted for by natural grass sod producers;

(3) The extent to which natural grass sod producers are represented on the organization's board of directors;

(4) Evidence of stability and permanency of the organization;

(5) Sources from which the organizations operating funds are derived;

(6) The functions of the organization; and

(7) The ability and willingness of the organization to further the purpose and objectives of the Act.

(d) The primary consideration in determining the eligibility of an organization shall be whether its natural grass sod producer membership consists of a sufficiently large number of natural grass sod producers who produce a relatively significant volume of Sod as to reasonably warrant its qualification to submit requests for funding to the Board. Any natural grass sod producer organization found eligible by the Secretary under this section will be qualified by the Secretary, and the Secretary's determination as to eligibility shall be final.

Miscellaneous

§ 1240.70 Right of the Secretary.

All fiscal matters, Programs, contracts, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1240.71 Referenda.

(a) *Initial referendum.* The Order shall not become effective unless the Order is approved by a simple majority (50 percent + one vote) of the natural grass sod producers voting in the initial referendum that have been engaged in the production and sale of natural grass sod products in the United States during a representative period determined by the Secretary. Each natural grass sod producer may cast one vote in the initial referendum.

(b) *Subsequent Referenda.* The Secretary shall conduct Subsequent Referenda:

(1) Not later than 7 years after this Order becomes effective and every 7 years thereafter, to determine whether natural grass sod producers favor the continuation of this Subpart. This subpart shall continue if it is approved by a simple majority (50 percent + one vote) of natural grass sod producers

voting in the subsequent referendum that have been engaged in the production and sale of natural grass sod products in the United States during a representative period determined by the Secretary. Each natural grass sod producer may cast one vote in the Subsequent Referenda;

(2) At the request of the two-thirds of the members of the Board established in this Subpart;

(3) At the request of 10 percent or more of the total number of eligible natural grass sod producers; or

(4) At any time as determined by the Secretary.

(c) *Referendum procedures.* The initial referendum and all Subsequent Referenda shall be conducted pursuant to the procedures outlined in subpart B.

§ 1240.72 Suspension or termination.

(a) The Secretary shall Suspend or Terminate this part or subpart or a provision thereof, if the Secretary finds that this part or subpart or a provision thereof obstructs or does not tend to effectuate the purposes of the Act, or if the Secretary determines that this subpart or a provision thereof is not favored by eligible natural grass sod producers in a subsequent referendum.

(b) The Secretary shall Suspend or Terminate this subpart at the end of the fiscal year whenever the Secretary determines that its suspension or termination is favored by a simple majority of eligible natural grass sod producers voting in a subsequent referendum.

(c) If, as a result of a Subsequent Referendum, the Secretary determines that this subpart is not approved, the Secretary shall:

(1) Not later than 180 calendar days after making the determination, Suspend or Terminate, as the case may be, the collection of assessments under this subpart.

(2) As soon as practical, Suspend or Terminate, as the case may be, activities under this subpart in an orderly manner.

§ 1240.73 Proceedings after termination.

(a) Upon termination of this subpart, the Board shall recommend to the Secretary up to five of its members to serve as trustees for the purpose of liquidating the Board's affairs. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered, or any other existing claim at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into pursuant to this subpart;

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and trustees, to such Person or Persons as the Secretary directs; and

(4) Upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person's title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this Subpart.

(c) Any Person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligations imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practical, to one or more organizations in the United States whose mission is generic promotion, Research, and Information programs.

§ 1240.74 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary or of any other persons, with respect to any such violation.

§ 1240.75 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1240.76 Separability.

If any provision of this subpart is declared invalid or the applicability of

it to any person or circumstances is held invalid, the validity of the remainder of this subpart, or the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1240.77 Amendments.

Amendments to this subpart may be proposed from time to time by the Board or any interested Person affected by the provisions of the Act, including the Secretary.

§ 1240.78 OMB control number.

The control numbers assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, are OMB control numbers 0505-0001 (Background Information Form), 0581-0093 (Organic Exemption), and 0581-NEW.

Subpart B—[Reserved]

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

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BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG-127391-16]

RIN 1545-BQ34

Modernizing Regulations on Sales of Seized Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to modernize regulations regarding the sale of a taxpayer's property that the IRS seizes by levy. The proposed amendments would allow the IRS to maximize sale proceeds for the benefit of the taxpayer whose property the IRS has seized and the public fisc. The proposed regulations would affect all sales of property the IRS seizes by levy.

DATES: Electronic or written comments and requests for a public hearing must be received by December 15, 2023.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at www.regulations.gov (IRS REG-127391-

16). Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish any comments submitted electronically, and on paper, to the public docket. Paper submissions may be sent to: CC:PA:LPD:PR (REG-127391-16), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Concerning the proposed regulations, Micah A. Levy, (202) 317-6832; concerning the submission of comments or requests for a public hearing, Vivian Hayes (202) 317-6901 (not toll-free numbers) or by sending an email to publichearings@irs.gov.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Procedure and Administration Regulations (26 CFR part 301) under section 6335 of the Internal Revenue Code (Code) relating to the sale of property that is seized by levy (seized property).

I. Statutory Background

Section 6335 of the Code governs how the IRS sells seized property. It was enacted as part of the Internal Revenue Code of 1954, Public Law 83-591, ch. 736, 68A Stat. 3, 785-86 (1954), though many of its provisions date back to 1866. *See* Act of July 3, 1866, ch. 184, 14 Stat. 106, 107-110 (1866).

Section 6335(a) requires the Secretary of the Treasury or her delegate (Secretary), as soon as practicable after a seizure, to give written notice of the seizure to the owner of the property that was seized (or, in the case of personal property, to the property's possessor). The notice must specify the sum demanded and contain, in the case of personal property, an account of the property seized and, in the case of real property, a description with reasonable certainty of the seized property. Notice must be given to the owner (or possessor) either in person, by leaving it at the owner's (or possessor's) usual place of abode or business, or, in certain instances, by mail.

Section 6335(b) requires the Secretary, as soon as practicable after a seizure, to give the property's owner written notice of the forthcoming sale. The notice must be provided in the same manner prescribed in section 6335(a) for the notice of seizure. Section 6335(b) also requires that the Secretary publicize the sale to the general public

by publishing notice "in some newspaper published or generally circulated within the county wherein such seizure is made," or if such a newspaper does not exist, by posting "notice at the post office nearest the place where the seizure is made and in not less than two other public places." The notice of sale must specify the property to be sold and the time, place, manner, and conditions of the sale.

Section 6335(c) provides that if seized property is not divisible in a way that would allow for a sale of part of the property to fully satisfy the whole amount of the tax and expenses, the Secretary is to sell the whole property.

Section 6335(d) requires that the time of sale be not less than 10 days nor more than 40 days from the time public notice of the sale is provided under section 6335(b). The place of sale must be within the county in which the property is seized except by special order of the Secretary.

Section 6335(e) specifies the manner and conditions of sale. Section 6335(e)(1) provides general rules about determinations relating to the minimum price, a sale being made to the highest bidder at or above the minimum price, the instances in which property will be deemed sold to the United States at the minimum price, and the instances in which the property will be released to the owner. Section 6335(e)(2) further directs the Secretary to prescribe by regulation the following additional rules applicable to the manner and other conditions of sale: requiring the sale not to be conducted in any manner other than by public auction or by public sale under sealed bids; in the case of the seizure of several items of property whether the property is to be offered separately, in groups, or in the aggregate, and sold under whichever method produces the highest aggregate amount; whether the announcement of the minimum price may be delayed until the receipt of the highest bid; whether payment in full is to be required at the time of acceptance of a bid or whether a part of such payment may be deferred for a period not to exceed one month; the extent to which additional methods (including advertising) may be used in giving notice of a sale; and under what circumstances the Secretary may adjourn a sale from time to time not to exceed in all one month. Congress delegated this authority to allow the IRS "latitude to provide modern rules for selling property in the best manner possible." H.R. Rep. No. 83-1337, at 410 (1954); S. Rep. No. 83-1622, at 578 (1954). Section 6335(e)(3) specifies what

is to occur if a winning bidder fails to pay the bid amount.

Section 6335(f) provides that the owner of seized property may request the Secretary to sell the property within 60 days after such request (or within a longer period as may be specified by the owner). The Secretary must comply with the request unless the Secretary determines (and thereafter notifies the owner within the period) that doing so would not be in the best interests of the United States.

II. Regulatory Background

The current regulations implementing section 6335 are set forth in § 301.6335-1. Section 301.6335-1, which dates to 1954, has not been revised except to incorporate minor statutory changes. See T.D. 6119, 20 FR 28 (Jan. 4, 1955) (initial publication); T.D. 7180, 37 FR 7316 (Apr. 13, 1972) (amending § 301.6335-1(b) to conform to an amendment to section 6335(b) made by section 104(d) of the Federal Tax Lien Act of 1966, Public Law 89-719, 80 Stat. 1137 (1966), by expanding notice of sale publication to include newspapers that are “generally circulated” within the county); T.D. 8398, 57 FR 7545 (Mar. 3, 1992) (implementing section 6236(g) of Technical and Miscellaneous Revenue Act of 1988, Public Law 100-647, 102 Stat. 3342 (1988), which enacted section 6335(f), by adding § 301.6335-1(d) to address the right of the owner of any seized property to request sale within 60 days); T.D. 8691, 61 FR 66217 (Dec. 17, 1996) (revisions to reflect amendment of section 6335(e) concerning the setting of a minimum price for seized property made by section 1570 of the Tax Reform Act of 1986, Public Law 99-514, 100 Stat. 2764 (1986)); and T.D. 8939, 66 FR 2821 (Jan. 12, 2001) (adding a cross-reference in § 301.6335-1(b) to § 301.6212-2 regarding the definition of “last known address”). Some provisions of § 301.6335-1 are dated, while others do not accommodate technological advances such as the advent of the internet and electronic payment processing. These proposed amendments would conform the prescribed manner and conditions of sales of seized property with modern practices. In comparison to the existing procedures, the proposed amendments would benefit taxpayers by making the sales process both more efficient and more likely to produce higher sales prices.

Explanation of Provisions

A. Place of Sale

Section 6335(d) of the Internal Revenue Code (Code) requires that the

place of sale be “within the county” in which the seizure of the subject property took place, “except by special order of the Secretary.” Section 301.6335-1(c)(1) currently requires that the place of sale be within the county in which the seizure took place unless “substantially higher bids” can be obtained by holding the sale elsewhere, in which case the district director may order that the sale be held in that other place. Section 6335(d) and current § 301.6335-1(c)(1) do not expressly contemplate online sales. But online sales can attract a wider range of potential purchasers, and thus potentially higher bids, while conserving IRS resources. Given that section 6342(a) of the Code provides that money realized by the sale of seized property is applied against the expenses of the levy and sale before any remaining amount is made available to satisfy the liability of the taxpayer, taxpayers whose seized property is being sold benefit both when the IRS realizes more money from a sale and when the IRS incurs less expense in conducting the sale.

Proposed § 301.6335-1(d)(1) would provide that the sale will be held at the time and place stated in the notice of sale. Proposed § 301.6335-1(d)(1) would further provide that the place of an in-person sale must be within the county in which the property is seized, except the sale may be held in a different county if the IRS determines, by special order, that substantially higher bids may be obtained by holding the sale in that different county. For online sales, proposed § 301.6335-1(d)(1) would provide that the place of sale will generally be within the county in which the property is seized such that a special order is not needed. For example, under the IRS’s current practice for online sales (which uses the special-order process), bids are solicited from in-county bidders, there is in-county advertising, the property is stored in the county, inspection of the property (when permitted) occurs in the county, and the winning bidder must retrieve the property from within the county. Under the proposed regulations, the place of sale for such online sales would be considered to be within the county in which the property was seized, and no special order would be needed. However, in the unusual situation in which an online sale deviates from current practice, such as if the seized property is moved out of the county for storage and remains out of the county during any allowable period for pre-sale inspection or if the internet is not generally available within the county,

then proposed § 301.6335-1(d)(1) would require that such sale may be conducted on the internet only by special order when doing so would be more efficient or would likely result in more competitive bids.

B. Offering of Property

In the case of the seizure of several items of property, section 6335(e)(2)(B) of the Code allows the IRS to choose how to group the property for sale. In general, the property may be sold as separate items, as groups of items, or in the aggregate. Section 6335(e)(2)(B) of the Code also permits the IRS to offer property both separately (or in groups) and in the aggregate during the same sale, provided that the IRS sells the property “under whichever method produces the highest aggregate amount.”

Section 301.6335-1(c)(5) currently restricts the situations in which both real and personal property may be grouped. This limits the IRS’s ability to determine on a case-by-case basis how to group property to produce the highest sale price. Proposed § 301.6335-1(d)(5) would provide that the IRS will choose the method of grouping property (or selling items separately) that will likely produce that highest overall sale amount and is most feasible.

C. Terms of Payment

Section 6335(e)(2)(D) of the Code states that regulations are to provide whether payment in full is required at the time of acceptance of the bid, or whether a part of such payment may be deferred for a period, not to exceed one month, as may be determined by the Secretary to be appropriate. In section 301.6335-1, paragraphs (c)(5)(iv) and (c)(7) are proposed to be amended to allow for payment terms that may specifically accommodate the different types of property offerings and methods of sale. For example, in the context of an online sale, the notice of sale may specify the time period in which the winning bidder must submit payment after being notified of the bid’s acceptance. Allowing such a period, which is consistent with the IRS’s current sales practice, allows time for the winning bidder to be notified of the accepted bid and to remit payment.

Currently, § 301.6335-1(c)(5)(iv)(b) provides that if the aggregate price of all property purchased by a successful bidder at a sale is more than \$200, the bidder must make an initial payment of \$200 or 20 percent of the purchase price, whichever is greater. These thresholds are not required by statute. To give the IRS greater flexibility to set the terms for payment, § 301.6335-1(c)(5)(iv)(b), which is proposed to be

redesignated as § 301.6335–1(d)(5)(iv)(B), is proposed to be amended to remove the \$200 or 20 percent requirements, and provide that the public notice of sale, or the instructions referenced in the notice, will specify the amount of the initial payment that must be made when full payment is not required upon acceptance of the bid.

D. Method of Sale

Section 6335(e)(2)(A) of the Code specifies that sales of seized property cannot be conducted in any manner other than by public auction or by public sale under sealed bids. Sections 301.6335–1(c)(6)(i) and (ii) reiterate that rule. Section 301.6335–1(c)(6)(ii) provides procedures applicable to public sales under sealed bids. Some of those procedures apply to public auctions. For example, under current IRS practice, in a public auction sale, the IRS may accept mail-in bids, so long as the form of payment, the amount of the bid, and the location and time for a bid's submission comply with the terms in the public notice of sale. I.R.M. 5.10.4.4.1 (Aug. 29, 2017). Those rules closely align with the procedures for submitting bids for sealed bid sales. Accordingly, in § 301.6335–1, paragraphs (c)(6)(i) and (ii) are proposed to be collapsed into one paragraph, proposed (d)(6), and, except where specifically noted, the provisions under § 301.6335–1(c)(6)(ii) are proposed to be revised (and redesignated as provisions under § 301.6335–1(d)(6)) as follows to apply to all sales under section 6335 of the Code.

1. Form for Use by Bidders

Section 301.6335–1(c)(6)(ii)(b) currently requires that bidders use the form provided by the IRS upon the bidder's request. The provision, which is proposed to be redesignated § 301.6335–1(d)(6)(ii), is proposed to be amended to provide that the bidder should use the form or submission method specified in the notice of sale or in instructions referenced by the notice. For example, the notice of sale may direct bidders to a specific website for the form or method of bid submission.

2. Remittance and Payment Methods

In section 301.6335–1, paragraphs (c)(6)(ii)(c) and (c)(7) currently specify how bid remittances and payments of bid prices are to be made. Those sections require that remittances and payments be made by check or money order. This requirement precludes other commercially acceptable payment options—such as electronic payments, credit or debit card payments, or any

other commercially acceptable means authorized by the IRS—even though section 6335 of the Code does not limit the methods by which bidders can make remittances or pay the bid price. Section 301.6335–1(c)(6)(ii)(c), which is proposed to be redesignated § 301.6335–1(d)(6)(iii), and § 301.6335–1(c)(7), which is proposed to be redesignated § 301.6335–1(d)(7), are thus proposed to be amended to provide that remittances and payments are to be made in the manner specified in the notice of sale or in instructions referenced by the notice. For example, the public notice of sale or its instructions could specify that all remittances or payments for a particular sale must be made by check, credit or debit card, or a particular form of electronic payment.

3. Amount of Remittance With Bid

Section 301.6335–1(c)(6)(ii)(c) currently specifies the amount of money a bidder must remit with a sealed bid. Under that section, if the total bid is \$200 or less, then the bidder must remit the full amount and, if the total bid is more than \$200, then the bidder must remit the greater of \$200 or 20 percent of the bid.

Section 6335 of the Code does not specify any amount that must be remitted with a bid except where full payment is required. Additionally, as previously stated, the amounts currently required by § 301.6335–1(c)(6)(ii)(c) have never been updated. To give the IRS flexibility to set the terms for bidding, § 301.6335–1(c)(6)(ii)(c), which is proposed to be redesignated § 301.6335–1(d)(6)(iii), is proposed to be amended by removing the specific \$200 threshold. This provision is proposed to provide that the public notice of sale, or instructions referenced in the notice, will specify the amount, if any, required as a remittance with a bid.

4. Method of Submitting and Withdrawing Bids

Section 301.6335–1(c)(6)(ii)(d) specifies the manner for submitting sealed bids. The provision requires that sealed bids be submitted in a sealed envelope. That requirement precludes electronic submission of sealed bids. The provision also does not address how bidders in a public auction should submit bids. The provision, which is proposed to be redesignated § 301.6335–1(d)(6)(iv), is proposed to provide that bids for a particular sale—whether public auction or public sale under sealed bids and whether online or not—be submitted in the manner prescribed by the IRS in the notice of sale or in instructions referenced by the notice.

Section 301.6335–1(c)(6)(ii)(f) specifies that sealed bids may be withdrawn in writing or by telegraphic request before the time fixed for the opening of bids. To permit electronic bid withdrawals, the provision, which is proposed to be redesignated § 301.6335–1(d)(6)(vi), is proposed to be amended to provide that bid withdrawals may be made in any manner that is specified in the notice of sale or in instructions referenced by the notice.

5. Consideration of Bids

Section 301.6335–1(c)(6)(ii)(e) currently provides that if, at a public sale under sealed bids, there is a tie amongst bids for the highest amount the IRS will determine the successful bidder by drawing lots. The provision, which is proposed to be redesignated § 301.6335–1(d)(6)(v), is proposed to be amended to provide that the IRS will reopen the bidding until a highest bid is submitted without any ties. This change is consistent with the IRS's current practice.

E. Personnel Involved in Sale

Section 3443 of the Internal Revenue Service Restructuring and Reform Act (Act), Public Law 105–206, 112 Stat. 685, 762 (1998), requires the IRS to “implement a uniform asset disposal mechanism for sales under section 6335” that “should be designed to remove any participation in such sales by revenue officers.” Section 3443 of the Act does not apply to sales of perishable goods under section 6336 of the Code.

To implement section 3443 of the Act, the IRS created the position of Property Appraisal and Liquidation Specialist (PALS). A PALS conducts sales of property seized under section 6335 of the Code. In doing so, they often receive assistance from other IRS employees in performing certain ministerial activities, such as delivering notices of sale and logging the receipt of sealed bids. Revenue officers have long been called on to assist an assigned PALS with those ministerial activities.

In enacting section 3443 of the Act, Congress sought to address a lack of uniformity and fairness in the sales process, such as that caused by potential bias of the revenue officer who seized the property to be sold. In the Conference Report to the Restructuring and Reform Act, the conferees recognized that tax sales were “often conducted by the revenue officer charged with collecting the tax liability.” H.R. Rep. No. 105–559, at 284 (1998). Additionally, the Senate Report accompanying the Restructuring and Reform Act stated that the Finance Committee “believes that it is important

for fairness and the appearance of propriety that the revenue officers charged with collecting unpaid tax liability are not personally involved with the sale of seized property.” S. Rep. No. 105–174, at 85 (1998). Those statements reflect the concern that the revenue officer who seized the property does not participate in the property’s sale.

New proposed § 301.6335–1(d)(11) would address that concern by precluding any revenue officer who participated in the seizure of the property to be sold from participating in the sale. This proposed amendment is intended to provide clarity to the IRS in making decisions about which employees will be assigned to conduct sales or perform related ministerial duties and that the restriction on participation in sales does not apply to sales of perishable goods conducted under section 6336 of the Code.

F. Other Changes

This proposed regulation would also make non-substantive updates throughout § 301.6335–1. First, current § 301.6335–1(a) is proposed to be redesignated and divided into two paragraphs, § 301.6335–1(b)(1) and (2). Second, current § 301.6335–1(a) and (b)(1) use the term “internal revenue district.” The usage matches that in sections 6335(a) and (b) of the Code. But changes to the IRS’s organizational structure following the Internal Revenue Service Restructuring and Reform Act eliminated “internal revenue districts.” See section 1001(a), 112 Stat. at 689; *Grunsted v. Commissioner*, 136 T.C. 455, 461 (2011). The current analogous successor to an internal revenue district is a field collection territory. See I.R.M. 1.1.16.3.1.1.1 (June 1, 2016); I.R.M. 5.10.3.9 (May 23, 2016); I.R.M. 5.10.4.9 (Aug. 29, 2017). Proposed § 301.6335–1(b)(1) would thus provide that the term “internal revenue district” includes a field collection territory or other successor IRS subdivision or office. Third, where the current regulation refers to various job titles within the IRS, some of which no longer exist, the references have been replaced with more general references to territories or to the IRS or to its employees. Fourth, where the current regulation, in § 301.6335–1(a) and (b), refers to giving a notice of seizure or sale to an individual (in their role as owner or possessor), the references are proposed to be replaced with references to the owner or possessor because an entity could also be an owner or possessor. Fifth, this proposed regulation would also eliminate § 301.6335–1(c)(3)(iii) and (c)(4)(iv), which deal with effective

dates of the current regulation for sales made after December 17, 1996. Since all sales going forward will occur after that date, those provisions are no longer necessary. Sixth, some four-level headings in the current regulation have differing capitalization in their numbering. Compare § 301.6335–1(c)(3)(ii)(a) and (d)(2)(ii)(A). This proposed regulation would align the capitalization of those headings by, for example, redesignating § 301.6335–1(c)(3)(ii)(a) as § 301.6335–1(d)(3)(ii)(A) and § 301.6335–1(c)(5)(ii)(a) as § 301.6335–1(d)(5)(ii)(A). And seventh, cross-references to entries that are proposed to be redesignated would be revised to match the redesignations.

Proposed Applicability Date

The proposed rules are proposed to apply to sales of property seized on or after the date of publication of the Treasury decision adopting the proposed rules as final regulations in the **Federal Register**.

Special Analyses

I. Regulatory Planning and Review

Pursuant to the Memorandum of Agreement, Review of Treasury Regulations under Executive Order 12866 (June 9, 2023), tax regulatory actions issued by the IRS are not subject to the requirements of section 6(b) of Executive Order 12866, as amended. Therefore, a regulatory impact assessment is not required.

II. Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6). This certification is based on the fact that the proposed regulations solely conform to the prescribed manner and conditions of sales of seized property with modern practices. In comparison to the existing procedures, the proposed regulations benefit taxpayers by making the sales process both more efficient and more likely to produce higher sales prices.

Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel of the Office of Advocacy of the Small Business Administration for comment on its impact on small businesses.

III. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that

includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. This rule does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

IV. Executive Order 13132: Federalism

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

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to comments that are submitted timely to the Treasury Department and the IRS as prescribed in the preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. Any electronic and paper comments submitted will be available at www.regulations.gov or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**. Announcement 2023–16, 2023–20 I.R.B. 854 (May 15, 2023), provides that public hearings will be conducted in person, although the IRS will continue to provide a telephonic option for individuals who wish to attend or testify at a hearing by telephone. Any telephonic hearing will be made accessible to people with disabilities.

Drafting Information

The principal author of this regulation is Micah A. Levy, Office of the Associate Chief Counsel (Procedure and Administration). However, other personnel from the IRS and Treasury Department participated in the development of this regulation.

List of Subjects in 26 CFR Part 301

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

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 301 as follows:

PART 301—PROCEDURE AND ADMINISTRATION

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

Authority: 26 U.S.C. 7805.

■ 2. Amend § 301.6335–1 by:

- a. Redesignating paragraphs (a) through (d) as paragraphs (b) through (e), respectively.
- b. Adding a new paragraph (a);
- c. Revising newly designated paragraphs (b) and (c)(1) and (2);
- d. Adding a subject heading to newly redesignated paragraph (c)(3);
- e. Revising newly redesignated paragraphs (d)(1) and (2) and (d)(3)(i) and (ii);
- f. Removing newly redesignated paragraph (d)(3)(iii);
- g. Revising newly redesignated paragraph (d)(4)(iii);
- h. Removing newly redesignated paragraph (d)(4)(iv);
- i. Revising newly redesignated paragraphs (d)(5)(i), (ii), and (iv), (d)(6), (7), and (9);
- j. Adding paragraph (d)(11);
- k. Revising newly redesignated paragraphs (e)(1) and (3); and
- l. Adding paragraph (f).

The revisions and addition read as follows:

§ 301.6335–1 Sale of seized property.

(a) *In general.* Section 6335 of the Internal Revenue Code (Code) and this section provide the rules under which the Internal Revenue Service (IRS) conducts sales of property seized by levy.

(b) *Notice of seizure*—(1) *Issuance and delivery.* As soon as practicable after seizure of property, the IRS must give written notice to the property's owner (or, in the case of personal property, to the property's possessor). The written notice must be delivered to the owner (or to the possessor, in the case of personal property) or left at the owner's usual place of abode or business if there is such within the internal revenue district in which the seizure is made. If the owner cannot be readily located or has no dwelling or place of business within such district,

the notice may be mailed to the owner's last known address. For purposes of this section, the term *internal revenue district* means an internal revenue district within the meaning of section 7621 of the Code and includes an IRS field collection territory or other successor IRS subdivision or office.

(2) *Contents.* The notice of seizure must specify the sum demanded and contain, in the case of personal property, a list sufficient to identify the property seized and, in the case of real property, a description with reasonable certainty of the property seized.

(c) * * *

(1) *In general.* As soon as practicable after seizure of the property, the IRS must give notice of sale in writing to the owner. Such notice will be delivered to the owner or left at the owner's usual place of abode or business if located within the internal revenue district in which the seizure is made. If the owner cannot be readily located or has no dwelling or place of business within such district, the notice may be mailed to the owner's last known address. For further guidance regarding the definition of last known address, see § 301.6212–2. The notice must specify the property to be sold, and the time, place, manner, and conditions of the sale thereof, and must expressly state that only the right, title, and interest of the delinquent taxpayer in and to such property is to be offered for sale. The notice will also be published in some newspaper published in the county wherein the seizure is made or in a newspaper generally circulated in that county. For example, if a newspaper of general circulation in a county but not published in that county will reach more potential bidders for the property to be sold than a newspaper published within the county, or if there is a newspaper of general circulation within the county but no newspaper published within the county, the IRS may publish the notice of sale in the newspaper of general circulation within the county. If there is no newspaper published or generally circulated in the county, the notice will be posted at the post office nearest the place where the seizure is made, to the extent authorized under law, and in not less than two other public places.

(2) *Alternative methods.* The IRS may use other methods of giving notice of sale and of advertising seized property, in addition to those referred to in paragraph (c)(1) of this section, if the IRS believes that the nature of the seized property to be sold is such that a wider or more specialized advertising coverage will enhance the possibility of obtaining a higher price for the seized property.

(3) *Exception.* * * *

(d) * * *

(1) *Time and place of sale.* The sale will be held at the time and place stated in the notice of sale. The time of sale will not be less than ten days nor more than 40 days from the time of giving public notice under section 6335(b) of the Code and paragraph (c) of this section. The place of an in-person sale will be within the county in which the property is seized, except such sale may be held at a place outside that county if the IRS determines, by special order of a delegated official, that substantially higher bids may be obtained for the property by holding the sale in such other county. The place of an online sale will generally be the county in which the property is seized. If, based on the facts and circumstances, the IRS determines that the place of an online sale is not within the county in which the property is seized, the sale may be conducted online by special order when doing so would be more efficient or would likely result in more competitive bids.

(2) *Adjournment of sale.* When it appears that an adjournment of the sale will best serve the interest of the United States or that of the taxpayer, the IRS may adjourn the sale from time to time, but the date of the sale will not be later than one month after the date fixed in the original notice of sale.

(3) * * *

(i) *Minimum price.* Before the sale of property seized by levy, the IRS will determine a minimum price, taking into account the expenses of levy and sale, for which the property must be sold. The IRS will either announce the minimum price before the sale begins or defer announcement of the minimum price until after the receipt of the highest bid, in which case, if the highest bid is greater than the minimum price, no announcement of the minimum price will be made.

(ii) *Purchase by the United States.* Before the sale of seized property, the IRS will determine whether the purchase of the property by the United States at the minimum price would be in the best interest of the United States. In determining whether the purchase of the property would be in the best interest of the United States, the IRS may consider all relevant facts and circumstances including, for example—

- (A) Marketability of property;
- (B) Cost of maintaining the property;
- (C) Cost of repairing or restoring the property;
- (D) Cost of transporting the property;
- (E) Cost of safeguarding the property;
- (F) Cost of potential toxic waste cleanup; and

(G) Other factors pertinent to the type of property.

* * * * *

(4) * * *

(iii) *Release to owner.* If the property is not declared to be sold under paragraph (d)(4)(i) or (ii) of this section, the property will be released to the owner of the property and the expense of the levy and sale will be added to the amount of tax for the collection of which the United States made the levy. Any property released under this paragraph (d)(4)(iii) will remain subject to any lien imposed by subchapter C of chapter 64 of subtitle F of the Code.

(5) * * *

(i) *Sale of indivisible property.* If any property levied upon is not divisible, so as to enable the IRS by sale of a part thereof to raise the whole amount of the tax and expenses of levy and sale, the whole of such property will be sold. For application of surplus proceeds of sale, see section 6342(b) of the Code.

(ii) *Separately, in groups, or in the aggregate.* The IRS, in selecting how seized property will be offered for sale, will consider which method is likely to produce the highest total sales price as well as which method is most feasible. The seized property may be offered for sale—

(A) As separate items,

(B) As groups of items,

(C) In the aggregate, or

(D) Both as separate items (or in groups) and in the aggregate, in which case, the property will be sold under the method that produces the highest aggregate amount.

* * * * *

(iv) *Terms of payment.* The property will be offered for sale in accordance with whichever of the following terms is fixed by the IRS in the public notice of sale:

(A) Payment in full upon acceptance of the highest bid, or

(B) An initial payment upon acceptance of the highest bid if the payment is in the amount (either the dollar amount or the percentage of the purchase price) specified in the notice of sale and followed by payment of the balance (including all costs incurred for the protection or preservation of the property subsequent to the sale and prior to final payment) within a specified period, not to exceed one month from the date of the sale.

* * * * *

(6) *Method of sale and sale procedures.* The IRS will sell the property either at a public auction (at which open competitive bids will be received) or at a public sale under sealed bids.

(i) *Invitation to bidders.* Bids will be solicited through a public notice of sale.

(ii) *Form for use by bidders.* A bid must be submitted in the manner specified by the IRS in the notice of sale or in instructions referenced by that notice.

(iii) *Remittance with bid.* The notice of sale, or instructions referenced in the notice, will specify the initial payment amount, acceptable forms of the remittance (such as check, credit or debit card, electronic payment, or other means), and the address (physical or online) at which the bid and remittance must be submitted.

(iv) *Time for receiving bids.* A bid will not be considered unless it is received in the manner and before the time specified in the notice of sale, instructions referenced in the notice, or in the announcement of the adjournment of the sale.

(v) *Consideration of bids.* The public notice of sale will specify whether the property is to be sold separately, by groups, or in the aggregate, or by a combination of these methods, as provided in paragraph (d)(5)(ii) of this section. If the notice, or instructions referenced in the notice, specifies an alternative method, bidders may submit bids under one or more of the alternatives. In case of error in computing the total price of a group of property in any bid, the unit price of each piece of property will control. The IRS has the right to waive any technical defects in a bid. A technical defect in a bid is deemed waived if the IRS treats it as the winning bid. In the event two or more highest bids are equal in amount, the IRS will reopen the bidding until a high bid is submitted without any ties. After the opening, examination, and consideration of all bids, the IRS will announce the amount of the highest bid or bids and the name of the successful bidder or bidders. Any remittance submitted in connection with an unsuccessful bid will be returned at the conclusion of the sale.

(vi) *Withdrawal of bids.* A bid may be withdrawn only in the manner specified in the notice of sale or in instructions referenced in the notice. A technical defect in a bid confers no right on the bidder for the withdrawal of the bid after it has been opened or accepted.

(7) *Payment of bid price.* All payments for property sold under this section must be made in the form and manner (whether by check, credit or debit card, electronic payment, or other means) specified by the IRS in the public notice of sale or in instructions referenced in the notice. If payment in full is required upon acceptance of the highest bid, the payment must be made

at the time and in accordance with the terms specified in the notice of sale. If deferred payment is permitted, the initial payment must be made upon acceptance of the bid at the time and in accordance with the terms specified in the notice of sale, and the balance must be paid on or before the date fixed for payment thereof. Any remittance submitted with a successful bid will be applied toward the purchase price.

* * * * *

(9) *Default in payment.* If payment in full is required upon acceptance of the bid and is not paid when due, the IRS will proceed again to sell the property in the manner provided in section 6335(e) of the Code and this section. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate of six percent per annum from the date of the sale; or, in the discretion of the IRS, the sale may be declared null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b), (c), and (e) of section 6335 of the Code and this section. In the event of such readvertisement and sale, any new purchaser will receive such property or rights to property free and clear of any claim or right of the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser will be forfeited to the United States.

* * * * *

(11) *Participation in sale by revenue officers.* No revenue officer who seized the property to be sold at a sale conducted under section 6335 of the Code and this section may participate in the sale of that seized property. This restriction does not apply to sales of perishable goods conducted under section 6336 of the Code.

(e) * * *

(1) *In general.* The owner of any property seized by levy may request that the IRS sell such property within 60 days after such request, or within any longer period specified by the owner. The IRS must comply with such a request unless it determines that compliance with the request is not in its best interests. If the IRS decides not to comply with the request, it must notify the owner of the determination within the 60-day period, or any longer period specified by the owner.

* * * * *

(3) *Notification to owner.* The IRS will respond in writing to a request for sale of seized property as soon as practicable after receipt of such request and in no event later than 60 days after receipt of the request, or, if later, the date specified by the owner for the sale.

(f) *Applicability date.* The rules of this section apply to sales of property seized on or after [DATE OF PUBLICATION OF FINAL RULE].

Douglas W. O'Donnell,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2023–22621 Filed 10–13–23; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1903

[Docket No. OSHA–2023–0008]

RIN 1218–AD45

Worker Walkaround Representative Designation Process

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of proposed rulemaking; extension of public comment period.

SUMMARY: On August 30, 2023, OSHA published a notice of proposed rulemaking (NPRM) titled “Worker Walkaround Representative Designation Process.” The period for submitting public comments is being extended by two weeks to allow stakeholders additional time to comment.

DATES: The comment period for the proposed rule published in the **Federal Register** on August 30, 2023 (88 FR 59825), is extended. Submit comments to the proposed rule and other information by November 13, 2023.

ADDRESSES: Comments may be submitted as follows:

Written comments: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency’s name and docket number for this rulemaking (Docket No. OSHA–2023–0008). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>. Therefore, OSHA

cautions commenters about submitting information that they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other information in the docket, go to Docket No. OSHA–2023–0008 at <http://www.regulations.gov>. All comments and submissions are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that website. All comments and submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2500 (TDY number 877–889–5627) for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Director, OSHA Office of Communications, telephone: (202) 693–1999; email: meilinger.francis2@dol.gov.

General and technical inquiries: Donald Klienback, OSHA Directorate of Construction, telephone: (202) 693–2020; email: klienback.donald.w@dol.gov.

Copies of this Federal Register notice and news releases: Electronic copies of these documents are available at OSHA’s web page at <http://www.osha.gov>.

SUPPLEMENTARY INFORMATION:

On August 30, 2023, OSHA published a NPRM titled “Worker Walkaround Representative Designation Process.” (88 FR 59825). In the NPRM, OSHA proposed to amend its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Compliance Safety and Health Officer (CSHO) when they are reasonably necessary to aid in the inspection. OSHA also proposed clarifications of the relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language skills of third-party representative(s) authorized by employees who may be reasonably necessary to the conduct of a CSHO’s physical inspection of the workplace.

The public comment period for this NPRM was to conclude on October 30, 2023, 60 days after publication of the NPRM. However, OSHA received requests from stakeholders for a 60-day

extension of the public comment period (Document ID 0015; 0018). OSHA agrees to an extension of the public comment period and believes that a two-week extension is sufficient and appropriate in order to balance the agency’s need for timely input with the stakeholders’ request. Accordingly, the comment period for this NPRM is being extended and will now conclude on November 13, 2023.

Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this document pursuant to 29 U.S.C. 657; 5 U.S.C. 553; Secretary of Labor’s Order 8–2020, 85 FR 58393 (2020).

Signed at Washington, DC.

Douglas L. Parker,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2023–22705 Filed 10–13–23; 8:45 am]

BILLING CODE 4510–26–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: On October 6, 2023, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective January 21, 2024. This proposed rule contains the revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) that we would adopt to implement the changes coincident with the price adjustments. Additionally, various portions of DMM section 207 will be revised to implement the changes coincident with collapsing zones for Periodicals which was effective as of July 9, 2023.

DATES: Submit comments on or before November 15, 2023.

ADDRESSES: Mail or deliver written comments to the Manager, Product Classification, U.S. Postal Service, 475 L’Enfant Plaza SW, Room 4446, Washington, DC 20260–5015. If sending comments by email, include the name and address of the commenter and send to PCFederalRegister@usps.gov, with a subject line of “January 2024 Domestic Mailing Services Proposal.” Faxed comments are not accepted.

All submitted comments and attachments are part of the public record

and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review on Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: Steven Mills at (202) 268–7433, Lynne Hallett at (202) 268–2213, or Doriane Harley at (202) 268–2537.

SUPPLEMENTARY INFORMATION: Proposed prices will be available under Docket No. R2024–1 on the Postal Regulatory Commission’s website at www.prc.gov.

The Postal Service’s proposed rule includes: changes to prices, mail classification updates, product simplification efforts, and minor revisions to the DMM.

Certificate of Mailing—Automated Solution

Currently, Certificate of Mailing is processed manually at the BMEU for individual pieces of First-Class Mail®, USPS Marketing Mail®, and Package Services. Certificate of Mailing provides evidence of mailing only and does not provide a record of delivery.

The Postal Service is proposing to add an automated option for processing forms 3606–D Certificate of Bulk Mailing; 3665 Certificate of Mailing; and 3877 Firm Mailing Book for Accountable Mail at the BMEU when electronically uploaded to PostalOne! and payment via EPS (Enterprise Payment System).

Promotion Eligible Product Identification

Currently, mailers are unable to see the discount breakdown at product level for each promotion; in addition, when a new promotion is added or an existing promotion is enhanced, changes applied to the product line is not readily available to mailers.

The Postal Service is proposing an update that will enable mailers to see promotion discounts at the product level for each promotion as well as ensure all updates are applied to applicable systems in sync.

These proposed revisions will provide consistency within postal products and add value for customers.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

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

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

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

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

* * * * *

207 Periodicals

* * * * *

2.0 Price Application and Computation

2.1 Price Application

* * * * *

2.1.4 Applying Pound Price

Apply pound prices to the weight of the pieces in the mailing as follows:

[Revise items a and b to read as follows:]

a. Outside-County (including Science-of-Agriculture) pound prices are based on the weight of the advertising portion sent to each destination entry and the weight of the nonadvertising portion to a destination entry.

b. In-County pound prices consist of a DDU entry price and a Non-DDU entry price for eligible copies delivered to addresses within the county of publication.

* * * * *

2.1.5 Computing Weight of Advertising and Nonadvertising Portions

[Revise the text of 2.1.5 to read as follows:]

The pound price charge is the sum of the charges for the computed weight of the advertising portion of copies to each destination entry, plus the sum of the charges for the computed weight of the nonadvertising portion of copies to each destination entry. The following standards apply:

a. The minimum pound price charge for any entry level to which copies are mailed is the 1-pound price. For example, three 2-ounce copies for an entry are subject to the minimum 1-pound charge.

b. Authorized Nonprofit and Classroom publications with an advertising percentage that is 10% or less are considered 100% nonadvertising. When computing the pound prices and the nonadvertising adjustment, use “0” as the advertising percentage. Authorized Nonprofit and Classroom publications claiming 0% advertising must pay the nonadvertising pound price for the entire weight of all copies.

* * * * *

2.2 Computing Postage

* * * * *

2.2.3 Computing Other Weights

To find the total weight of mailed copies per entry level, multiply the corresponding number of copies by the computed weight per copy. Round off each result to the nearest whole pound, except that when the result is under 0.5 pound, round to 1 pound. To find the weight of the advertising portion for each entry, where applicable, multiply the total weight of copies for that entry by the percentage of advertising. Round off each result to the nearest whole pound, except that when the result is under 0.5 pound, round to 1 pound. To find the weight of the nonadvertising portion, subtract the total weight of the advertising portion to all entry levels from the total weight of copies to all entry levels. To find the weight of In-County price copies, multiply the number of copies by the weight per copy and round off the total weight to the nearest whole pound, except that when the result is less than 0.5 pound, round to 1 pound.

* * * * *

8.0 Record Keeping Standards for Publishers

8.1 Basic Standards

* * * * *

8.1.2 Information Required

Records must be available so that the USPS can determine: * * *

[Delete item c and renumber items (d and e) as (c and d)]

* * * * *

8.2 Verification

8.2.1 Purpose

[Revise the text of 8.2.1 to read as follows:]

A publisher must make records available for USPS review and verification on a periodic basis to evaluate indications of ineligibility for Periodicals entry, to verify that the postage statement shows the correct number of copies mailed and the correct postage, and to confirm that publications authorized to carry general advertising meet the applicable circulation standards.

* * * * *

11.0 Basic Eligibility

11.1 Outside-County Prices

11.1.1 General

[Revise the text of 11.1.1 to read as follows:]

Outside-County prices apply to copies of an authorized Periodicals publication mailed by a publisher or news agent that are not eligible for In-County prices under 11.3. Outside-County prices consist of an addressed per piece charge, an entry level charge for the weight of the advertising portion of the publication, an entry level charge for the weight of the nonadvertising portion, and a bundle and container charge.

* * * * *

17.0 Documentation

* * * * *

17.2 Additional Standards for Postage Statements

* * * * *

17.2.3 Waiving Nonadvertising Prices

[Revise the first sentence of 17.2.3 to read as follows:]

Instead of marking a copy of each issue to show the advertising portion, the publisher may pay postage at the advertising prices on both portions of all issues or editions of a Periodicals publication (except a requester publication). * * *

* * * * *

[Revise 17.2.7 to read as follows:]

17.2.7 News Agent's Statement

A news agent presenting Periodicals matter subject to "All Other" prices must provide a statement showing the percentages of such matter devoted to advertising and nonadvertising.

* * * * *

[Revise the title of 17.4 to read as follows:]

17.4 Detailed Entry Listing for Periodicals

17.4.1 Basic Standards

[Revise the text of 17.4.1 to read as follows:]

The publisher must be able to present documentation to support the actual number of copies of each edition of an issue, by entry level, at DDU, DSCF, DADC, All Others, and In-County prices. This listing is separated from the standardized presort documentation required under 17.3. This listing may be submitted with each mailing, or a publisher may keep such records for each mailing for 2 months after the mailing date. A publisher must be able to submit detailed entry listings for specific mailings when requested by the USPS.

17.4.2 Format

[Revise the text of 17.4.2 to read as follows:]

Report the number of copies mailed to each 3-digit ZIP Code area at entry prices using one of the following formats:

a. Report copies by 3-digit ZIP Code, in ascending numeric order, for all ZIP Codes in the mailing. The listing must include these columns: 3-digit ZIP Code, entry level, and number of copies. Include a summary of the number of copies at each entry price at the end of the report. A 3-digit ZIP Code may appear more than once if there are copies at different entry prices for that ZIP Code (for example, In-County and Outside-County copies).

b. Report copies by zone (In-County DDU, In-County others, Outside-County DDU, Outside-County DSCF, Outside-County DADC and Outside-County All Others) and by 3-digit ZIP Code, in ascending numeric order, for each entry level. For each entry level, the listing must include these columns: 3-digit ZIP Code and number of copies in the mailing. Include a summary of the total number of copies for each entry level at the end of each entry listing. A 3-digit ZIP Code may appear under more than one entry level if there are copies at different entry prices for that ZIP Code.

17.4.3 Zone Abbreviations

[Revise the text of 17.4.3 to read as follows:]

Use the actual price name or the authorized entry abbreviation in the listings in 17.3 and 17.4.2.

Zone abbreviation	Price equivalent
ICD	In-County, DDU.
IC	In-County, Others.
DDU	Outside-County, DDU.
SCF	Outside-County, DSCF.
ADC	Outside-County, DADC.
OC	Outside-County, All Others.

* * * * *

500 Additional Mailing Services

503 Extra Services

* * * * *

1.0 Basic Standards for All Extra Services

* * * * *

1.10 Receipts

[Add a sentence after the fourth sentence to read as follows:]

* * * When used for commercial mailings, Form 3877 (firm sheet) may be submitted electronically to PostalOne! and processed at the BMEU. * * *

* * * * *

5.0 Certificates of Mailing

5.1 Basic Standards

5.1.1 Description—Individual Pieces

[Add a sentence at the end of 5.1.1 to read as follows:]

* * * Form 3665 (firm sheet) may be submitted electronically to PostalOne! and processed at the BMEU.

5.1.2 Paying Fees

[Add a sentence at the end of 5.1.2 to read as follows:]

* * * When electronically submitted, postage for Form 3665-Firm must be paid with an EPS (Electronic Payment System) account.

* * * * *

5.1.6 Acceptance

[Revise the last sentence of 5.1.6 to read as follows:]

* * * Certificate of Mailing Form 3665 (including USPS-approved privately printed versions and electronic Form 3665) with mailings of at least 50 pieces or 50 pounds of corresponding articles presented at one time must be presented to a Post Office business mail entry unit (BMEU) or authorized detached mail unit (DMU).

* * * * *

5.2 Other Bulk Quantities—Certificate of Bulk Mailing

5.2.1 Description

[Add text at the end of 5.2.1 to read as follows:]

* * * Mailers must upload the electronic Form 3606–D prior to presenting the mailing at the BMEU for processing. Each electronic Form 3606–D will receive a watermark date stamped receipt after finalization of the mailing.

5.2.2 Paying Fees

[Add a sentence at the end of 5.2.2 to read as follows:]

* * * Mailers submitting electronic Form 3606–D must pay certificate of mailing fees, at the time of mailing, using an EPS account.

5.2.3 Acceptance

[Revise the last sentence of 5.2.3 to read as follows:]

* * * Certificate of Bulk Mailing Form 3606–D (including USPS-approved facsimiles and electronic Form 3606–D) with identical-weight

mailings of at least 50 pieces or 50 pounds must be presented to a business mail entry unit (BMEU) or authorized detached mail unit (DMU).

* * * * *
[END DOCUMENT]

Notice 123 (Price List)

[Revise prices as applicable.]

* * * * *

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2023–22606 Filed 10–13–23; 8:45 am]

BILLING CODE P

Notices

Federal Register

Vol. 88, No. 198

Monday, October 16, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maine Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Maine Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual monthly meeting on Thursday, November 9, 2023, at 12 p.m. (ET) to discuss next steps.

DATES: Thursday, November 9, 2023; at 12 p.m. (ET)

ADDRESSES: The meetings will be held via Zoom.

Zoom Link (Audio/Visual): <https://tinyurl.com/5yr4dsfy>; password: USCCR-ME.

Join by Phone (Audio Only): 1-833-435-1820 USA toll-free; Meeting ID: 161 655 9331#.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, Designated Federal Official at mtrachtenberg@usccr.gov or via phone at 202-809-9618.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any

incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email ebohor@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at mtrachtenberg@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1-312-353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Maine Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebohor@usccr.gov.

Agenda

- I. Welcome & Roll Call
- II. Discuss Next Steps
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: October 11, 2023.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2023-22787 Filed 10-13-23; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

National Advisory Committee

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Census Bureau is giving notice of a virtual meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC).

The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including the decennial census, demographic and economic statistical programs, field operations, and information technology. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: The virtual meeting will be held on:

- Thursday, November 16, 2023, from 8:30 a.m. to 5 p.m. ET, and
- Friday, November 17, 2023, from 8:30 a.m. to 2:30 p.m. ET.

ADDRESSES: Please visit the Census Advisory Committee website at <https://www.census.gov/about/cac/nac/meetings/2023-11-meeting.html>, for the NAC meeting information, including the agenda, and how to view the meeting.

FOR FURTHER INFORMATION CONTACT:

Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder Integration (PPSI), shana.j.banks@census.gov, Department of Commerce, Census Bureau, telephone 301-763-3815. For TTY callers, please use the Federal Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The NAC provides technical expertise to address Census Bureau program needs and objectives. The members of the NAC are appointed by the Director of the Census Bureau. The NAC has been established in accordance with the Federal Advisory Committee Act (title 5, United States Code, appendix 2, section 10).

All meetings are open to the public. Public comments will be accepted in written form via email to shana.j.banks@census.gov, (subject line "2023 NAC Fall Virtual Meeting Public Comment"). A brief period will be set aside during the virtual meeting to read public comments received by noon ET, November 16, 2023. All public comments received will be posted to the website listed in the **ADDRESSES** section.

Robert L. Santos, Director, Census Bureau, approved the publication of this notice in the **Federal Register**.

Dated: October 6, 2023.

Shannon Wink,

*Program Analyst, Policy Coordination Office,
U.S. Census Bureau.*

[FR Doc. 2023-22715 Filed 10-13-23; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Minority Business Development Agency

[Doc. No. 231010-0242]

Extension of Deadline for Applications to the Minority Business Enterprises Advisory Council for the Minority Business Development Agency

AGENCY: Minority Business Development Agency (MBDA), U.S. Department of Commerce.

ACTION: Notice of extension of deadline.

SUMMARY: The U.S. Department of Commerce, Minority Business Development Agency (MBDA) is extending the deadline for nominations for the Minority Business Enterprises Advisory Council (MBEAC) pursuant to the authority of the Minority Business Development Act of 2021 and the Federal Advisory Committee Act (FACA), as amended. The Council will advise the Under Secretary of Commerce for Minority Business Development on various topics impacting socially and economically disadvantaged businesses. MBDA is looking to appoint nine (9) members for the initial term of the Council. These individuals shall be from the private sector with a balanced and broad range of interests regarding the social and economic life of minority business concerns. The private sector members may include individuals from academia and think tanks, companies, chambers of commerce, financial entities, labor and trade associations, non-profit organizations, and stakeholders involved in socially and economically disadvantaged business concerns.

DATES: MBDA originally posted a solicitation for applications to the MBEAC on August 18, 2023, with an original deadline of September 18, 2023. MBDA has determined that an extension of the original deadline is warranted. MBDA will consider applications received by November 15, 2023, for potential selection to the inaugural MBEAC. Applications received after this date may be considered by MBDA as appropriate and when vacancies become available. If you have already submitted

an application, MBDA will consider your application and there is no need to re-apply.

ADDRESSES: Individuals who are interested in being considered for the MBEAC must submit a resume and cover letter detailing their relevant experience to advisorycouncil@mbda.gov. If electronic submission is not feasible, submissions may be mailed to: Minority Business Development Agency (MBDA), U.S. Department of Commerce, Attn: Cara M. Morris, 1401 Constitution Ave. NW, Room 5075, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Cara M. Morris, Director, Business Center Excellence & Program Support, Minority Business Development Agency, U.S. Department of Commerce, Email: cmorris1@mbda.gov, 202-482-2332.

SUPPLEMENTARY INFORMATION: Please note that this notice is to extend the initial deadline for applications to the MBEAC. The original notice was published on August 18, 2023, and stated that the original deadline to receive applications was September 18, 2023. MBDA has determined that an extension to this deadline is warranted. Accordingly, MBDA will consider all applications received by [DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER], for potential selection to the inaugural MBEAC. Applications received after this date may be considered by MBDA as appropriate and when vacancies become available. If you have already submitted an application, MBDA will consider your application and there is no need to re-apply.

On November 15, 2021, the Minority Business Development Act of 2021 (Pub. L. 117-58), made permanent the Minority Business Development Agency (MBDA) and expanded MBDA's roles and authorities. Among other things, the Act mandated the creation of the Minority Business Enterprises Advisory Council (MBEAC or "the Council").

The objective of the MBEAC is to provide group advice to the Under Secretary of Commerce for Minority Business Development on matters pertaining to the growth and global competitiveness of the nation's 9.7 million minority business enterprises (MBEs), such as identifying barriers to entrepreneurship and business growth; providing insight related to the economic conditions of socially or economically disadvantaged businesses; proposing opportunities for collaboration on and coordination of policies relating to entrepreneurship

and business growth for socially and economically disadvantaged businesses; and advising on measures to better achieve MBDA's objectives. The MBEAC was established in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. Chapter 10. See the MBEAC Charter, available at: <https://gsa-geo.my.salesforce.com/sfc/p/#t0000000Gyj0/a/t0000003Gceu/9JxK.9.iqBesjToAwbbYyuYpJviXxxZC3ELQmn5Mts4>. The MBDA is a dynamic organization that needs industry leaders' input with a wide range of experience and insight. Accordingly, the MBDA is soliciting applications from private sector representatives with a balanced and broad range of interests regarding the social and economic life of Minority Business Enterprises (MBEs) to serve as advisory committee members of the MBEAC. Individuals may self-nominate or be nominated by someone else.

The Council will consist of nine members from the private sector as well as at least ten members from federal agencies that support or otherwise have duties related to business formation, including duties relating to labor development, monetary policy, national security, energy, agriculture, transportation, and housing. The Council will meet 2-3 times per year and members shall serve for a term of 2 years. Members can be reappointed after the 2-year term expires.

MBDA is soliciting two types of private sector members. "Representative members" are appointed to offer insight and perspectives of clearly identified sectors and stakeholder groups. "Special Government Employee (SGE) members" are appointed for their individual expertise and experience. Special Government Employees are subject to conflict-of-interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure Report (OGE Form 450) and complete ethics training. Representative members are not subject to these requirements. Private sector members will be individually advised of the capacity in which they will serve through their appointment letters.

Please also note that members of the Council shall not be compensated for service on the Council but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

Council Size and Terms:

The MBEAC will be comprised of at least 19 members (9 private sector members and at least 10 federal members). The newly appointed members will serve a two-year term and may be reappointed. If a member vacates the MBEAC before the end of the two-year term, a replacement member may be appointed to fill the unexpired term.

The membership of the Council should include expertise and viewpoints that reflect the breadth of the Council's responsibilities. MBDA is mindful that committees work best when there is a mix of viewpoints brought about through diverse experiences in different areas of the committee's responsibility by members of diverse races, genders, business and industry sectors, and cultural backgrounds. This notice will be widely distributed to encourage a diverse applicant pool.

Qualifications and Selection Criteria

Expertise and Experience: Members should possess significant expertise and experience in areas relevant to the growth and development of MBEs and the business ecosystem, such as business development, entrepreneurship, finance, policy advocacy, or related fields. Members should have insights into barriers to entrepreneurship and business growth and ways to overcome those barriers. Relevant fields include but are not limited to, access to traditional and alternative capital, public and private sector procurement, and global markets. Members should also have the ability to provide insight into relevant data, research, and policy alternatives. The selection process will prioritize relevant individuals who have demonstrated a strong track record of success in their respective fields.

Commitment to Minority Business Development: Members should have a demonstrated commitment to advancing the social and economic life of MBEs. This can be evidenced through past involvement in initiatives, projects, or policy advocacy aimed at supporting and empowering MBEs.

Sector Representation: Private Sector members will be selected from diverse backgrounds, including academia and think tanks, companies of varying sizes, chambers of commerce, financial entities, labor and trade associations, non-profit organizations, and stakeholders involved in MBE growth and development.

Geographic Representation: MBDA will consider geographic diversity in selecting members to ensure regional representation and capture expertise

regarding the unique challenges and opportunities faced by MBEs in different parts of the country.

Collaborative and Teamwork Skills: Members should demonstrate the ability to work collaboratively in a team environment. This includes effective communication, problem-solving, and the ability to build consensus among diverse stakeholders.

Ability to Serve: Members must be able and willing to dedicate the necessary time and effort to fulfill their responsibilities effectively. They should have the availability to attend meetings, actively participate in Council activities, and contribute constructively to discussions and decision-making processes.

Independence and Impartiality: Applicants for Special Government Employee (SGE) membership positions must be impartial and independent, capable of providing objective advice and guidance must not have conflicts of interest that could compromise their ability to act in the best interest of MBEs.

Privacy Act Statement

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. 552a). The Department of Commerce is authorized to collect this information pursuant to authorities that include, but are not limited to, Title V, sections 100501 through 100503 of the Minority Business Development Act of 2021, Public Law 117–58 (Nov. 15, 2021), and in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. Chapter 10. The principal purpose for which the Department will use the information is to assist in choosing private sector members of the MBEAC. Information received will be maintained in a Privacy Act system of records, COMMERCE/DEPT–11, entitled “Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.” A notice describing that system, including a complete set of routine disclosures, has been published both in the **Federal Register** and on the Department's website at: <https://osec.doc.gov/opog/PrivacyAct/SORNs/dept-11.html>. Although providing this information is voluntary, an individual cannot be

considered for membership without an application submission.

Donald R. Cravins, Jr.,

Under Secretary for Minority Business Development, Minority Business Development Agency.

[FR Doc. 2023–22713 Filed 10–13–23; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XD461]

Nominations to the Marine Fisheries Advisory Committee

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

ACTION: Notice; request for nominations.

SUMMARY: The Secretary of Commerce (Secretary) seeks nominations to fill vacancies on the Marine Fisheries Advisory Committee (MAFAC or Committee). MAFAC is responsible to advise the Secretary, NOAA, and NMFS on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to assist in the development and implementation of departmental regulations, policies, and programs critical to the mission and goals of NMFS. Nominations are encouraged from all individuals involved with or representing interests affected by NMFS actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitment required for two annual meetings and year-round subcommittee work. Individuals serve for a term of 3 years for no more than two consecutive terms if re-appointed. NMFS seeks qualified nominees to fill pending vacancies.

DATES: Nominations must be emailed on or before Friday, December 15, 2023.

ADDRESSES: Nominations should be sent to Katie (Denman) Zanowicz, MAFAC Assistant, NMFS Office of Policy, by email: katie.denman@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Katie Zanowicz, MAFAC Assistant; (301) 427–8034; email: katie.denman@noaa.gov.

SUPPLEMENTARY INFORMATION: MAFAC was approved by the Secretary on December 28, 1970, and subsequently

chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2, on February 17, 1971. The Committee meets twice a year, and holds supplementary meetings when necessary, as determined by NMFS or the Committee Chair. MAFAC is comprised of 15 to 21 individuals. Members are highly qualified, diverse individuals with experience in commercial, recreational, aquaculture, and non-commercial fisheries and businesses; seafood industry, including processing, marketing, restaurants and related industries; marine, ecosystems, or protected resources management and conservation; and human dimensions or social sciences associated with living marine resources and working waterfronts. Members may be from tribes or indigenous groups, environmental organizations, academia, consumer groups, and other living marine resource interest groups from all U.S. geographical regions, including the Western Pacific and Caribbean. NMFS strives to ensure MAFAC members represent a diversity of individuals and interests.

A MAFAC member cannot be a Federal employee; a state official, their designee, or an appointed member of a regional fishery management council; registered Federal lobbyist; or agent of a foreign principal. Selected candidates must pass a security check and submit a financial disclosure form. Membership is voluntary and, except for reimbursable travel and related expenses, service is without pay.

Each nomination must include the nominee's name, address, telephone number, and email address; a cover letter describing the nominee's interest in serving on the Committee and qualifications; and their curriculum vitae or resume. Up to three letters of support may be submitted. Self-nominations will be accepted.

Nominations should be sent to Katie Zanowicz (see **ADDRESSES**) and must be received by Friday, December 15, 2023. The full text of the Committee Charter and its current membership can be viewed at the NMFS web page at <https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-charter>.

Dated: October 11, 2023.

Heidi Lovett,

Acting Designated Federal Officer, National Marine Fisheries Service.

[FR Doc. 2023-22786 Filed 10-13-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648-XV195]

Membership of the National Oceanic and Atmospheric Administration Performance Review Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of membership of the 2023 NOAA Performance Review Board.

SUMMARY: NOAA announces the appointment of members who will serve on the 2023 NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional (ST) members and making written recommendations to the appointing authority on retention and compensation matters, including performance-based pay adjustments, awarding of bonuses, and reviewing recommendations for potential Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of 2 years.

DATES: The effective date of service of the 10 appointees to the NOAA Performance Review Board is October 23-27, 2023.

FOR FURTHER INFORMATION CONTACT: Mr. Charles A. McLeod, Human Resources Specialist, Executive Resources Division, Office of Human Capital Services, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, 301-628-1883 or Charles.mcleod@noaa.gov.

SUPPLEMENTARY INFORMATION: The names and positions of the members for the 2023 NOAA PRB are set forth below:

- Juliana Blackwell, Chair: Director, Office of National Geodetic Survey, National Ocean Service, NOAA
- Michelle McClure, Vice-Chair: Director, Pacific Marine Environmental Laboratory, NOAA
- James St. Pierre: Acting Director, Information Technology Laboratory, National Institute of Standards and Technology
- Jonathan Hare: Science and Research Director, Northeast Region, National Marine Fisheries Service, NOAA
- Timothy Greten: Director, Office of Facilities, National Weather Service, NOAA
- Deirdre Jones: Chief Administrative Officer, NOAA

- Makeda Okolo: Director, Office of Legislative & Intergovernmental Affairs, NOAA
- Elsayed Talaat: Office of Projects, Partnerships and Analysis, National Environmental Satellite, Data and Information Service, NOAA
- Kevin Kimball: Chief of Staff, National Institute of Standards and Technology
- Kenneth Harding: Chief Operating Officer, National Weather Service, NOAA
- Bruce Pitts: Deputy Chief Administrative Officer, NOAA
- Jennifer Mahoney: Director, Global Systems Laboratory, Office of Oceanic and Atmospheric Research, NOAA
- Timothy Walsh: Director, Joint Polar Satellite Systems, National Environmental Satellite, Data and Information Service, NOAA
- Karen Hyun, Chief of Staff, NOAA

Richard W. Spinrad,

Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

[FR Doc. 2023-22731 Filed 10-13-23; 8:45 am]

BILLING CODE 3510-12-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD384]

Atlantic Highly Migratory Species; Atlantic Highly Migratory Species Southeast Data, Assessment, and Review Workshops Advisory Panel

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

ACTION: Notice; nominations for shark stock assessment Advisory Panel.

SUMMARY: NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) Workshops Advisory Panel, also known as the "SEDAR Pool." The SEDAR Pool is comprised of a group of individuals who may be selected to consider data and advise NMFS regarding the scientific information including, but not limited to, data and models used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Nominations are being sought for 5-year appointments (2024-2029). Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental

organizations will be considered for membership on the SEDAR Pool.

DATES: Nominations must be received on or before November 15, 2023.

ADDRESSES: You may submit nominations and request the SEDAR Pool Statement of Organization, Practices, and Procedures electronically via email to SEDAR.pool@noaa.gov.

Additional information on SEDAR and the SEDAR guidelines can be found at <http://sedarweb.org/>. The terms of reference for the SEDAR Pool, along with a list of current members, can be found at <https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/southeast-data-assessment-and-review-and-atlantic-highly>.

FOR FURTHER INFORMATION CONTACT:

Karyl Brewster-Geisz at 301-425-8503 or Delisse Ortiz at 301-427-8530.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635.

Background

Section 302(g)(2) of the Magnuson-Stevens Act states that each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. For the purposes of this section, NMFS applies the above provision to Atlantic HMS management (see section 304(g)(1) of the Magnuson-Stevens Act, which provides that the Secretary will prepare FMPs for HMS and consult with Advisory Panels under section 302(g) for such FMPs). As such, NMFS has established the SEDAR Pool under this section. The SEDAR Pool currently consists of 36 individuals, each of whom may be selected to review data and advise NMFS regarding the scientific information including, but not limited to, data and models used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. While the SEDAR Pool was created specifically for Atlantic oceanic sharks, it may be expanded to include other HMS, as needed.

The primary responsibility of individuals in the SEDAR Pool is to review, at SEDAR workshops, the scientific information including, but not

limited to, data and models used in stock assessments that are used to advise NMFS about the conservation and management of Atlantic HMS specifically, but not limited to, Atlantic sharks. Individuals in the SEDAR Pool, if selected for a particular workshop, may participate in the various data, assessment, and review workshops during the SEDAR process of any HMS stock assessment. In order to ensure that the review is unbiased, individuals who participated in a data and/or assessment workshop for a particular stock assessment will not be allowed to serve as SEDAR Pool reviewers for the same stock assessment. However, these individuals may be asked to attend the review workshop to answer specific questions from the reviewers concerning the data and/or assessment workshops. Members of the SEDAR Pool may serve as members of other Advisory Panels concurrent with, or following, their service on the SEDAR Pool.

Procedures and Guidelines

A. Participants

The SEDAR Pool is comprised of individuals representing the commercial and recreational fishing communities for Atlantic sharks, the environmental community active in the conservation and management of Atlantic sharks, and the academic community that have relevant expertise either with sharks and/or stock assessment methodologies for marine fish species. In addition, individuals who may not necessarily work directly with sharks, but who are involved in fisheries with similar life history, biology, and fishery issues may be part of the SEDAR Pool. Members of the SEDAR Pool must have demonstrated experience in the fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined or limited.

Additional members of the SEDAR Pool may also include representatives from each of the 5 Atlantic Regional Fishery Management Councils, each of the 18 Atlantic states, both the U.S. Virgin Islands and Puerto Rico, and each of the relevant interstate commissions: the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals for data or assessment workshops, NMFS may request individuals to become members of the SEDAR Pool outside of the annual nomination period.

SEDAR Pool members serve at the discretion of the Secretary. Not all members will attend each SEDAR workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to participate, discuss, and offer scientific input and advice regarding the species being assessed.

NMFS is not obligated to fulfill any requests (*e.g.*, requests for an assessment of a certain species) that may be made by the SEDAR Pool or its individual members. Members of the SEDAR Pool who are invited to attend stock assessment workshops will not be compensated for their services, but may be reimbursed for their travel-related expenses to attend such workshops.

B. Nomination Procedures for Appointments to the SEDAR Pool

Member tenure will be for 5 years. Nominations are sought for terms beginning early in 2024 and expiring in 2029. Nomination packages should include:

1. The name, address, phone number, and email of the applicant or nominee;
2. A description of the applicant's or nominee's interest in Atlantic shark stock assessments or the Atlantic shark fishery;
3. A statement of the applicant's or nominee's background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool, as requested.

C. Meeting Schedule

Individual members of the SEDAR Pool meet to participate in stock assessments at the discretion of the Office of Sustainable Fisheries, NMFS. Stock assessment timing, frequency, and relevant species will vary depending on the needs determined by NMFS and SEDAR staff. In 2024, NMFS will continue assessing the status of the hammerhead shark species in the hammerhead shark management group. Following the completion of the hammerhead assessments, NMFS anticipates beginning the assessment process for one or more of the following species of sharks: finetooth, spinner, bull, and/or tiger.

During an assessment year, meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

Dated: October 11, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023-22788 Filed 10-13-23; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XD302]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to bp Exploration and Production Inc. (bp) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from November 1, 2023, through July 31, 2024.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified

geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in U.S. waters of the Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as

mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

Bp plans to conduct a Zero Offset vertical seismic profile (VSP) survey within Mississippi Canyon Block 956. See section 1.1 of bp's application for a map. Bp plans to use a 12-element, 2,400 cubic inch (in³) airgun array. Approximate water depths of the survey area is 2,000 meters (m). Please see bp's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by bp in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398, January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone¹); (3) number of days; and (4) season.² The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No VSP surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of these survey types. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220, June 22, 2018). Coil was selected as the best available proxy survey type for bp's VSP survey because the spatial coverage of the planned surveys is most similar to the coil survey pattern. For the planned survey, the seismic source array will be deployed from a drilling rig at or near the borehole, with the seismic receivers (*i.e.*, geophones) deployed in the borehole on wireline at specified depth intervals. The zero offset VSP will be stationary. The coil survey pattern in the model was assumed to cover approximately 144 square kilometers

¹ For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

² For purposes of acoustic exposure modeling, seasons include winter (December-March) and summer (April-November).

(km²) per day (compared with approximately 795 km², 199 km², and 845 km² per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (e.g., area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Because bp's planned survey is expected to cover no additional area as a stationary source, the coil proxy is most representative of the effort planned by bp in terms of predicted Level B harassment.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in³ array. Thus, estimated take numbers for this LOA are considered conservative due to the differences in both the airgun array (12 elements, 2,400 in³) and daily survey area planned by bp (as mentioned above), as compared to those modeled for the rule.

The survey is planned to occur for a maximum of 2 days in Zone 7. The survey may occur in either season. Therefore, the take estimates for each species are based on the season that has the greater value for the species (i.e., winter or summer).

Additionally, for some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. This can result in unrealistic projections regarding the likelihood of encountering particularly rare species and/or species not expected to occur outside particular habitats. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, e.g., 86 FR 5322, 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed

during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for killer whales produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for that species as described below.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional 3 encounters during more recent survey effort from 2017–18 (Waring *et al.*, 2013; <https://www.boem.gov/gommapps>). Two other species were also observed on less than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale³). However, observational data collected by protected species observers (PSOs) on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively

³ However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

informed our rulemaking process, as discussed at 86 FR 5322, 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of 4 killer whales, noting that the whales performed 20 times as many dives to 1–30 m depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. This survey would take place in deep waters that would overlap with depths in which killer whales typically occur. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. In addition, as noted above in relation to the general take estimation methodology, the assumed proxy source (72-element, 8,000-in³ array) results in a significant overestimate of the actual potential for take to occur. NMFS' determination in reflection of the information discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, 5403, January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species, such as killer whales, in the GOM through authorization of take of a

single group of average size (*i.e.*, representing a single potential encounter). See 83 FR 63268, December 7, 2018. See also 86 FR 29090, May 28, 2021; 85 FR 55645, September 9, 2020. For bp’s survey, use of the exposure modeling produces an estimate of two killer whale exposures. Given the foregoing discussion, it is unlikely that any killer whales would be encountered during this 2 day survey, and accordingly, no take of killer whales is authorized through the bp LOA.

In addition, in this case, use of the exposure modeling produces results that are smaller than average GOM group sizes for multiple species (Maze-Foley and Mullin, 2006). NMFS’ typical practice in such a situation is to increase exposure estimates to the assumed average group size for a species in order to ensure that, if the species is encountered, exposures will not exceed the authorized take number. However, other relevant considerations here lead to a determination that increasing the estimated exposures to average group sizes would likely lead to an overestimate of actual potential take. In this circumstance, the very short survey duration (maximum of 2 days) and relatively small Level B harassment isopleths produced through use of the 12-element, 2,400-in³ airgun array

(compared with the modeled 72-element, 8,000 in³ array) mean that it is unlikely that certain species would be encountered at all, much less that the encounter would result in exposure of a greater number of individuals than is estimated through use of the exposure modeling results. As a result, in this case NMFS has not increased the estimated exposure values to assumed average group sizes in authorizing take.

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations for the affected species or stocks of marine mammals. See Table 1 in this notice and Table 9 of the rule (86 FR 5322, January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see

NMFS’ discussion of the MMPA’s small numbers requirement provided in the final rule (86 FR 5322, 5438, January 19, 2021).

The take numbers for authorization, which are determined as described above, are used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391, January 19, 2021). For this comparison, NMFS’ approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take ¹	Abundance ²	Percent abundance
Rice’s whale	40	51	n/a
Sperm whale	11	2,207	0.1
<i>Kogia</i> spp.	36	4,373	0.1
Beaked whales	94	3,768	0.3
Rough-toothed dolphin	17	4,853	0.1
Bottlenose dolphin	0	176,108	n/a
Clymene dolphin	446	11,895	0.1
Atlantic spotted dolphin	0	74,785	n/a
Pantropical spotted dolphin	456	102,361	0.1
Spinner dolphin	411	25,114	0
Striped dolphin	424	5,229	0.1
Fraser’s dolphin	48	1,665	0.1
Risso’s dolphin	47	3,764	0.1
Melon-headed whale	430	7,003	0.1
Pygmy killer whale	414	2,126	0.2
False killer whale	416	3,204	0.1
Killer whale	40	267	n/a
Short-finned pilot whale	42	1,981	0

¹ Scalar ratios were not applied in this case due to brief survey duration.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice’s whale and the killer whale, the larger estimated SAR abundance estimate is used.

³ Includes 1 take by Level A harassment and 5 takes by Level B harassment.

⁴ Modeled exposure estimate less than assumed average group size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of bp’s proposed survey activity described in its LOA application and the anticipated take of marine

mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or

stock sizes and therefore is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to bp authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: October 10, 2023.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2023-22761 Filed 10-13-23; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m. EDT, Friday, October 20, 2023.

PLACE: Virtual meeting.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.cftc.gov/>.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202-418-5964.

Authority: 5 U.S.C. 552b.

Dated: October 11, 2023.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2023-22837 Filed 10-12-23; 11:15 am]

BILLING CODE 6351-01-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038-0062: Off-Exchange Foreign Currency Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission ("CFTC" or "Commission") is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act ("PRA"), Federal agencies are required

to publish notice in the **Federal Register** concerning each proposed collection of information, including a proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the collection of information provided for certain of the Commission's regulations under the Commodity Exchange Act ("CEA") relating to off-exchange foreign currency transactions.

DATES: Comments must be submitted on or before December 15, 2023.

ADDRESSES: You may submit comments, identified by "OMB Control No. 3038-0062" by any of the following methods:

- The Agency's website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.
- *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.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov/>.

FOR FURTHER INFORMATION CONTACT:

Philip Newsom, Special Counsel, Market Participants Division, Commodity Futures Trading Commission, (202) 418-5301, or pnewsom@cftc.gov, and refer to OMB Control No. 3038-0062.

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.*, Federal agencies must obtain approval from the Office of Management and Budget ("OMB") for each collection of information they conduct or sponsor. "Collection of Information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of the existing collections of information listed below. 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.¹

Title: Off-Exchange Foreign Currency Transactions (OMB Control No. 3038-0062). This is a request for an extension of a currently approved information collection.

Abstract: Part 5 of the Commission's regulations under the CEA establishes rules applicable to retail foreign exchange dealers ("RFEDs"), futures commission merchants ("FCMs"), introducing brokers ("IBs"), commodity trading advisors ("CTAs"), and commodity pool operators ("CPOs") engaged in the offer and sale of off-exchange forex contracts to retail customers. Specifically:

- Regulation 5.5 requires RFEDs, FCMs, and IBs to distribute risk disclosure statements to new retail forex customers.
- Regulation 5.6 requires RFEDs and FCMs to report any failures to maintain the minimum capital required by Commission regulations.
- Regulation 5.8 requires RFEDs and FCMs to calculate their total retail forex obligation.

• Regulation 5.10 requires RFEDs to maintain and preserve certain risk assessment documentation.

• Regulation 5.11(a)(1) requires RFEDs to submit certain risk assessment documentation to the Commission within 60 days of the effective date of their registration.

• Regulation 5.11(a)(2) requires RFEDs to submit certain financial documentation to the Commission within 105 calendar days of the end of each fiscal year. RFEDs must also submit additional information, if requested, regarding affiliates' financial impact on an RFED's organizational structure.

• Regulation 5.12(a) requires RFED applicants to submit a Form 1-FR-FCM concurrently with their registration application.

• Regulation 5.12(b) requires registered RFEDs to file a Form 1-FR-FCM on a monthly and annual basis.

• Regulation 5.12(g) states that, in the event that an RFED cannot file its Form 1-FR-FCM for any period within the time specified in Regulation 5.12(b), the RFED may file an application for an extension of time with its self-regulatory organization.

• Regulation 5.13(a) requires RFEDs and FCMs to provide monthly account statements to their customers.

• Regulation 5.13(b) requires RFEDs and FCMs to provide confirmation

¹ 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi).

statements to their customers within one business day after the execution of any retail forex or forex option transaction.

- Regulation 5.14 requires RFEDs and FCMs to maintain current ledgers of each transaction affecting its asset, liability, income, expense and capital accounts.

- Regulation 5.18(g) requires each RFED, FCM, CPO, CTA, and IB subject to part 5 to maintain a record of all communications received that give rise to possible violations of the Act, rules, regulations or orders thereunder related to their retail forex business.

- Regulation 5.18(i) requires each RFED and FCM to prepare and maintain on a quarterly basis a calculation of nondiscretionary retail forex customer accounts open for any period of time during the quarter that were profitable, and the percentage of such accounts that were not profitable.

- Regulation 5.18(j) requires the chief compliance officer of each RFED and FCM to certify annually that the firm has in place processes to establish, maintain, review, modify and test policies and procedures reasonably designed to achieve compliance with the Act, rules, regulations and orders thereunder.

- Regulation 5.19 requires each RFED, FCM, CPO, CTA, and IB subject to part 5 to submit to the Commission copies of any dispositive or partially dispositive decision for which a notice of appeal has been filed in any material legal proceeding (1) to which the firm is a party to or to which its property or assets is subject with respect to retail forex transactions, or (2) instituted against any person who is a principal of the firm arising from conduct in such person's capacity as a principal of that firm.

- Regulation 5.20 requires RFEDs, FCMs and IBs to submit documentation requested pursuant to certain types of special calls by the Commission.

- Regulation 5.23 requires RFEDs, FCMs and IBs to notify the Commission regarding bulk transfers and bulk liquidations of customer accounts.

The rules establish reporting and recordkeeping requirements that are necessary to implement the provisions of the Food, Conservation, and Energy Act of 2008² regarding off-exchange transactions in foreign currency with members of the public. The rules are intended to promote customer protection by providing safeguards

against irresponsible or fraudulent business practices.³

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;

- The accuracy of the Commission's estimate of the burdens of the proposed collections of information, including the validity of the methodology and assumptions used;

- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

- Ways to minimize the burdens of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.⁴

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 information collection requests will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its burden estimate for 81 respondents, which include RFEDs, FCMs, IBs, CPOs, and CTAs, as follows:

Estimated Number of Respondents: 81.

³ See Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries, 75 FR 55410, 55416 (Sept. 10, 2010).

⁴ 17 CFR 145.9.

Estimated Average Burden Hours per Respondent: 1,757.⁵

Estimated Total Annual Burden Hours: 142,324.

Frequency of Collection: As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: October 11, 2023.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2023-22748 Filed 10-13-23; 8:45 am]

BILLING CODE 6351-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, October 18, 2023—10:00 a.m.

PLACE: Room 420, Bethesda Towers, 4330 East-West Highway, Bethesda, MD.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED: *Decisional Matter:* Safety Standard Addressing Blade-Contact Injuries on Table Saws.

A live webcast of the meeting can be viewed at the following link: <https://cpsc.webex.com/weblink/register/r88f341de3262d93f0deb0453a6e10f43>.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301-504-7479 (Office) or 240-863-8938 (Cell).

Dated: October 11, 2023.

Alberta E. Mills,

Commission Secretary.

[FR Doc. 2023-22824 Filed 10-12-23; 11:15 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Board of Visitors of the Air University Meeting

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce the following Federal Advisory Committee meeting of the Board of Visitors (BoV) of the Air University.

⁵ This figure has been rounded from 1,757.09 to the nearest whole number.

² Public Law 110-246, 122 Stat. 1651, 2189-220 (2008).

DATES: Tuesday, November 7, 2023, from 8 a.m. to 5 p.m. and Wednesday, November 8, 2023, from 8 a.m. to 3 p.m. (Central Time).

ADDRESSES: Air University Commander's Conference Room, Building 800, Maxwell Air Force Base, Alabama 36112-6335.

FOR FURTHER INFORMATION CONTACT: Dr. Shawn P. O'Mailia, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112-6335, telephone (334) 953-4547.

SUPPLEMENTARY INFORMATION: This meeting is held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting: The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The agenda will include topics relating to the Air University Commander and President's priorities, the Community College of the Air Force Subcommittee update, Air University Program Review update, Air Force Requirements Process, Commissioning, Wargaming, AU Student Information System update, and AU financial update.

Meeting Accessibility: Open to the public. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

Written Statements: Any member of the public wishing to provide input to the Air University Board of Visitors in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act should submit a written statement to the Designated Federal Officer at the address detailed below. Statements submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least ten calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting. The Designated Federal Officer will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to

members of the Board before the meeting that is the subject of this notice.

Tommy W. Lee,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2023-22716 Filed 10-13-23; 8:45 am]

BILLING CODE 5001-10-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2023-SCC-0181]

Agency Information Collection Activities; Comment Request; Charter Online Management and Performance System (COMPS) CSP Credit Enhancement APR

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 15, 2023.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2023-SCC-0181. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W203, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrew Brake, (202) 453-6136.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Charter Online Management and Performance System (COMPS) CSP Credit Enhancement APR.

OMB Control Number: 1810-NEW.

Type of Review: New ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 82.

Total Estimated Number of Annual Burden Hours: 2,050.

Abstract: This request is for a new OMB approval to collect the Annual Performance Report (APR) data from Charter School Programs (CSP) Credit Enhancement for Charter School Facilities Program (CE) grantees.

The Charter School Programs was originally authorized under title V, part B, subpart 1, sections 5201 through 5211 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind (NCLB) Act of 2001. For fiscal year 2017 and thereafter, ESEA has been amended by the Every Student Succeeds Act (ESSA), (20USC 7221-7221i), which reserves funds to improve education by supporting innovation in public education and to: (2) provide financial assistance for the planning, program design, and initial implementation of charter schools; (3) increase the number

of high-quality charter schools available to students across the United States; (4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools; (5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools; (6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards; (7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and (8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

Specific to the CE program, grant funds are awarded to demonstrate innovative methods of helping charter schools to address the costs of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing and used by grantees to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives: (1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter schools) in improved or unimproved real property that is necessary to commence or continue the operation of a charter schools; (2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school; (3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

The U.S. Department of Education (ED) is requesting authorization to collect data from CSP grantees within the CE program with new APR tool. The former APR data collection package for CE grantees was discontinued in March 2023. The CSP made revisions to the questionnaire aimed at reducing grantee burden (e.g., eliminating questions) and collecting more accurate and useful program data (e.g., identifying joint transactions with other CE grantees). To

further these aims, CSP is planning to collect the APR data through a web-based system used to collect APR data from other CSP program grantees.

Dated: October 11, 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. 2023–22743 Filed 10–13–23; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee (TGDC) Notice of Vacancy

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of vacancy.

SUMMARY: Pursuant to the Help America Vote Act (HAVA) and the Charter of the EAC Technical Guidelines Development Committee (TGDC), the EAC is posting this notice of vacancy for an individual with technical and scientific expertise relating to voting systems and voting equipment. The vacancy shall be filled jointly by the EAC and the Director of the National Institute of Standards and Technology (NIST).

ADDRESSES: Pursuant to the TGDC Charter, the EAC will post the notice on the EAC website: <https://www.eac.gov>. Interested, qualified individuals should contact the Alternate Designated Federal Official by email, jpanek@eac.gov.

SUPPLEMENTARY INFORMATION:

TGDC Appointment Process

The Technical Guidelines Development Committee (TGDC) is a non-discretionary Federal Advisory Committee established by the Help America Vote Act of 2002 (HAVA), Public Law 107–252, 116 Stat. 1666 (2002). The TGDC assists the EAC in developing the Voluntary Voting System Guidelines (VVSG). The chairperson of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is composed of 14 other members appointed jointly by EAC and the director of NIST.

HAVA mandates that the 14 other members appointed jointly by the EAC and NIST shall include individuals with technical and scientific expertise relating to voting systems and voting equipment. The TGDC Charter requires that notice of vacancies on the Committee for those individuals jointly appointed by EAC and NIST be published in the **Federal Register** as well as on the Commission's website.

Pursuant to HAVA and the TGDC charter, the EAC is publishing this notice of vacancy on the TGDC. This vacancy shall be filled through a joint appointment by the EAC and NIST.

Camden Kelliher,

Deputy General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2023–22750 Filed 10–13–23; 8:45 am]

BILLING CODE P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee (TGDC) Notice of Vacancy

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of vacancy.

SUMMARY: Pursuant to the Help America Vote Act (HAVA) and the Charter of the EAC Technical Guidelines Development Committee (TGDC), the EAC is posting this notice of vacancy for a Standards Board representative to the TGDC. The vacancy shall be filled jointly by the EAC and the Director of the National Institute of Standards and Technology (NIST).

ADDRESSES: Pursuant to the TGDC Charter, the EAC will post the notice on the EAC website: <https://www.eac.gov>. Interested Standards Board members should contact the Alternate Designated Federal Official by email, ksmith@eac.gov.

SUPPLEMENTARY INFORMATION:

TGDC Appointment Process

The Technical Guidelines Development Committee (TGDC) is a non-discretionary Federal Advisory Committee established by the Help America Vote Act of 2002 (HAVA), Public Law 107–252, 116 Stat. 1666 (2002). The TGDC assists the EAC in developing the Voluntary Voting System Guidelines (VVSG). The chairperson of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is composed of 14 other members appointed jointly by EAC and the director of NIST.

HAVA mandates that the 14 other members appointed jointly by the EAC and NIST must include an equal number of members of the EAC Standards Board, members of the EAC Board of Advisors, and members of the Architectural and Transportation Barrier Compliance Board. The TGDC Charter requires that notice of vacancies on the Committee for those individuals jointly appointed by EAC and NIST be published in the **Federal Register** as well as on the Commission's website.

Pursuant to HAVA and the TGDC charter, the EAC is publishing this notice of vacancy on the TGDC for a representative of the EAC Standards Board. This vacancy shall be filled through a joint appointment of a current member of the EAC Standards Board by the EAC and NIST.

Camden Kelliher,

Deputy General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2023–22746 Filed 10–13–23; 8:45 am]

BILLING CODE P

ELECTION ASSISTANCE COMMISSION

Technical Guidelines Development Committee (TGDC) Notice of Vacancy

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of vacancy.

SUMMARY: Pursuant to the Help America Vote Act (HAVA) and the Charter of the EAC Technical Guidelines Development Committee (TGDC), the EAC is posting this notice of vacancy for a Board of Advisors representative to the TGDC. The vacancy shall be filled jointly by the EAC and the Director of the National Institute of Standards and Technology (NIST).

ADDRESSES: Pursuant to the TGDC Charter, the EAC will post the notice on the EAC website: <https://www.eac.gov>. Interested Board of Advisors members should contact the Alternate Designated Federal Official by email, sbrady@eac.gov.

SUPPLEMENTARY INFORMATION:

TGDC Appointment Process

The Technical Guidelines Development Committee (TGDC) is a non-discretionary Federal Advisory Committee established by the Help America Vote Act of 2002 (HAVA), Public Law 107–252, 116 Stat. 1666 (2002). The TGDC assists the EAC in developing the Voluntary Voting System Guidelines (VVSG). The chairperson of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is composed of 14 other members appointed jointly by EAC and the director of NIST.

HAVA mandates that the 14 other members appointed jointly by the EAC and NIST must include an equal number of members of the EAC Standards Board, members of the EAC Board of Advisors, and members of the Architectural and Transportation Barrier Compliance Board. The TGDC Charter requires that notice of vacancies on the Committee for those individuals jointly

appointed by EAC and NIST be published in the **Federal Register** as well as on the Commission's website. Pursuant to HAVA and the TGDC charter, the EAC is publishing this notice of vacancy on the TGDC for a representative of the EAC Board of Advisors. This vacancy shall be filled through a joint appointment of a current member of the EAC Board of Advisors by the EAC and NIST.

Camden Kelliher,

Deputy General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2023–22749 Filed 10–13–23; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas and Oil Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP24–27–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Volume No. 2—Consolidated Edison Company SP360134 to be effective 11/1/2023.

Filed Date: 10/6/23.
Accession Number: 20231006–5152.
Comment Date: 5 p.m. ET 10/18/23.
Docket Numbers: RP24–28–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: East 300 Upgrade Project—Recourse Rate to be effective 11/1/2023.

Filed Date: 10/6/23.
Accession Number: 20231006–5154.
Comment Date: 5 p.m. ET 10/18/23.
Docket Numbers: RP24–29–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.9.23 Negotiated Rates—Equinor Natural Gas LLC R–7120–21 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5004.
Comment Date: 5 p.m. ET 10/23/23.
Docket Numbers: RP24–30–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.9.23 Negotiated Rates—Equinor Natural Gas LLC R–7120–22 to be effective 11/1/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5005.
Comment Date: 5 p.m. ET 10/23/23.
Docket Numbers: RP24–31–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 10.9.23 Negotiated Rates—Spark Energy Gas, LLC R–3045–31 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5007.
Comment Date: 5 p.m. ET 10/23/23.
Docket Numbers: RP24–32–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.9.23 Negotiated Rates—Spark Energy Gas, LLC R–3045–32 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5008.
Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–33–000.
Applicants: ANR Pipeline Company.
Description: Compliance filing: Penalty Revenue Crediting Report 2023 to be effective N/A.

Filed Date: 10/10/23.
Accession Number: 20231010–5012.
Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–34–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 10.10.23 Negotiated Rates—Castleton Commodities Merchant Trading R–4010–06 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5114.
Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–35–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.10.23 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–28 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5124.
Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–36–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.10.23 Negotiated Rates—Twin Eagle Resource Management, LLC R–7300–29 to be effective 11/1/2023.

Filed Date: 10/10/23.
Accession Number: 20231010–5140.
Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–37–000.
Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.10.23 Negotiated Rates—Vitol Inc. R–7495–17 to be effective 11/1/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5161.

Comment Date: 5 p.m. ET 10/23/23.

Docket Numbers: RP24–38–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing; 10.10.23 Negotiated Rates—Vitol Inc. R–7495–18 to be effective 11/1/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5169.

Comment Date: 5 p.m. ET 10/23/23.

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.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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: October 10, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–22765 Filed 10–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2088–068]

South Feather Water and Power Agency; Notice of Intent To Prepare a Supplemental Environmental Impact Statement

On March 26, 2007, South Feather Water and Power Agency (South Feather) filed an application for a new license for the existing South Feather Power Project FERC No. 2088. The project is located on the South Fork Feather River, Lost Creek, and Slate Creek in Butte, Yuba, and Plumas Counties, California and occupies 1,977.12 acres of federal land administered by Plumas National Forest and 10.57 acres of federal land administered by the U.S. Bureau of Land Management. The project is a water supply and power generating project consisting of four hydroelectric developments: Sly Creek, Woodleaf, Forbestown, and Kelly Ridge, which combined provide 117.3-megawatts of generating capacity and an average of 498,972 megawatt-hours of electricity annually.

On June 4, 2009, the Federal Energy Regulatory Commission (Commission) issued a final Environmental Impact Statement (EIS) for the project. Subsequently, South Feather entered into a Settlement Agreement with the California Department of Water Resources and the State Water Contractors, Incorporated, which modifies the proposed operation of the project's Kelly Ridge Powerhouse.¹ Additionally, the California State Water Resources Control Board (Water Board) filed a water quality certification for the project on November 30, 2018;² South Feather filed an amendment to its license application on December 21, 2021, in which it proposes additional measures developed in consultation with the U.S. Fish and Wildlife Service (FWS) to protect the federally endangered Sierra Nevada yellow-legged frog; and the Forest Service filed revised final conditions under section 4(e) of the FPA on October 14, 2022.

To evaluate these filings made subsequent to the issuance of the final

¹ On December 13, 2018, South Feather filed the Settlement Agreement with the Commission.

² On June 28, 2020, the Commission determined that the Water Board waived its authority to issue a water quality certification for the project; therefore, the certification conditions are not considered mandatory under section 401 and the conditions are now considered recommendations under section 10(a) of the Federal Power Act (FPA).

EIS as well as newly listed species under the Endangered Species Act, Commission staff intends to prepare a draft and final supplemental EIS in accordance with the National Environmental Policy Act. The supplemental EIS will describe and evaluate the effects of the proposed action and alternatives. For the resource areas not affected by any new and revised measures or new environmental information, the supplemental EIS will either include, or incorporate by reference, analyses from the final EIS.

With this notice, we are reinitiating informal consultation with the FWS under section 7 of the ESA and the joint agency regulations thereunder at 50 CFR part 402.

The draft supplemental EIS will be sent to all persons and entities on the Commission's service and mailing lists for the South Feather Power Project. Recipients will then have 60 days to review the draft supplemental EIS and file written comments with the Commission. All comments filed with the Commission on the final supplemental EIS will be considered in the Order taking final action on the license application. The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Draft Supplemental EIS issued.	October 2023.
Comments due on Draft Supplemental EIS.	December 2023.
Final Supplemental EIS issued.	April 2024.

This notice informs all interested individuals, organizations, tribes, and agencies with environmental expertise and concerns, that: (1) the Commission staff has decided to prepare a supplemental EIS addressing the settlement and amendment application; and (2) the comments, recommendations, and terms and conditions already on file with the Commission on the application will be taken into account in the supplemental EIS.

Any questions regarding this notice may be directed to Quinn Emmering, the Commission's coordinator for the relicensing of the project, at (202) 502–6382 or at quinn.emmering@ferc.gov.

Dated: October 3, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023–22700 Filed 10–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 2514–029]

Notice of Waiver Period for Water Quality Certification Application; Appalachian Power Company

On September 29, 2023, Appalachian Power Company submitted to the Federal Energy Regulatory Commission (Commission) a copy of its request for a Clean Water Act section 401(a)(1) water quality certification filed with the Virginia Department of Environmental Quality (Virginia DEQ), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 5.23(b) of the Commission's regulations,¹ we hereby notify Virginia DEQ of the following:

Date of Receipt of the Certification

Request: August 1, 2023.

Reasonable Period of Time to Act on the Certification Request: One year, August 1, 2024.

If Virginia DEQ fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: October 3, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023–22699 Filed 10–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 11546–022]

City of Thief River Falls Municipal Utilities; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 11546–022.c. *Date Filed:* August 31, 2023.

d. *Submitted by:* City of Thief River Falls Municipal Utilities (Thief River Utilities).

e. *Name of Project:* Municipal Power Dam Hydroelectric Project.

f. *Location:* On the Red Lake River in Pennington County, Minnesota.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Ronnie Lund, Chief Power Plant Operator, City of Thief River Falls Municipal Utilities, 1711 1st Street West, Thief River Falls, MN 56701; phone: (218) 681–3506; email: rlund@citytrf.net.

i. *FERC Contact:* David Graefe at (202) 502–6137; or email at David.Graefe@ferc.gov.

j. Thief River Utilities filed its request to use the Traditional Licensing Process on August 31, 2023. Thief River Utilities provided public notice of its request on August 23, 2023. In a letter dated October 10, 2023, the Director of the Division of Hydropower Licensing approved Thief River Utilities' request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402. We are also initiating consultation with the Minnesota State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Thief River Utilities as the Commission's non-Federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Thief River Utilities filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (<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. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208–3676 or TTY (202) 502–8659.

o. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 11546. Pursuant to 18 CFR 16.20 each application for a subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration

of the existing license. All applications for license for this project must be filed by August 31, 2026.

p. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

q. 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: October 10, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023–22758 Filed 10–13–23; 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: EC24–5–000.*Applicants:* Frederickson Power L.P.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Frederickson Power L.P.

Filed Date: 10/10/23.*Accession Number:* 20231010–5288.*Comment Date:* 5 p.m. ET 10/31/23.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG24–3–000.

Applicants: Inertia Energy Storage, LLC.

Description: Inertia Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 10/10/23.*Accession Number:* 20231010–5248.*Comment Date:* 5 p.m. ET 10/31/23.

Docket Numbers: EG24–4–000.
Applicants: Torrecillas Energy Storage, LLC.

Description: Torrecillas Energy Storage, LLC submits Notice of Self-

¹ 18 CFR 5.23(b).

Certification of Exempt Wholesale Generator Status.

Filed Date: 10/10/23.

Accession Number: 20231010–5249.

Comment Date: 5 p.m. ET 10/31/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER23–2590–000.

Applicants: Grover Hill Wind, LLC.

Description: Supplement to August 9, 2023 Grover Hill Wind, LLC tariff filing.

Filed Date: 10/4/23.

Accession Number: 20231004–5184.

Comment Date: 5 p.m. ET 10/25/23.

Docket Numbers: ER24–54–000.

Applicants: Appalachian Power Company.

Description: § 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.

Filed Date: 10/6/23.

Accession Number: 20231006–5159.

Comment Date: 5 p.m. ET 10/27/23.

Docket Numbers: ER24–55–000.

Applicants: Silver Peak Energy, LLC.

Description: Baseline eTariff Filing: Silver Peak Energy, LLC MBR Tariff to be effective 11/15/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5002.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–56–000.

Applicants: Northern States Power Company, a Wisconsin corporation.

Description: § 205(d) Rate Filing: 2023–10–09 DPC FSA—North Wal—172–NSPW to be effective 10/10/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5009.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–57–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 7099; Queue No. AE1–250 to be effective 9/11/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5013.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–58–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Construction Agreement Thermopolis Sub (Rate Schedule No. 782) to be effective 12/10/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5085.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–59–000.

Applicants: Grain Belt Express LLC.

Description: Application for Amendment to existing Negotiated Rate Authority of Grain Belt Express LLC.

Filed Date: 10/6/23.

Accession Number: 20231006–5218.

Comment Date: 5 p.m. ET 10/27/23.

Docket Numbers: ER24–60–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 7089; Queue No. AE1–091 to be effective 9/11/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5142.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–61–000.

Applicants: Sky Ranch Solar, LLC.

Description: Baseline eTariff Filing: Sky Ranch Solar, LLC Application for Market-Based Rate Authorization to be effective 12/10/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5245.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–62–000.

Applicants: Duke Energy Indiana, LLC.

Description: § 205(d) Rate Filing: DEI—Hardy Hills Rate Schedule No. 281 to be effective 10/18/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5250.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–63–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6024; Queue No. AB2–135 to be effective 12/11/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5267.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–64–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: ISA, First Revised Service Agreement No. 6517; Queue No. AE2–322 to be effective 9/7/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5276.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–65–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 21 to be effective 12/11/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5284.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–66–000.

Applicants: Metropolitan Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Metropolitan Edison Company submits tariff filing per 35.13(a)(2)(iii): Met-Ed Amends 10 ECSAs (5325 5335 5401 5402 5403 5429 5431 5432 5433 5434) to be effective 12/31/9998.

Filed Date: 10/10/23.

Accession Number: 20231010–5294.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–67–000.

Applicants: Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: 2023–10–10 Segment A Agreement Filing in Response to Order in Docket ER23–1271 to be effective 8/5/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5300.

Comment Date: 5 p.m. ET 10/31/23.

Docket Numbers: ER24–68–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 7101; Queue No. AE1–072 to be effective 9/7/2023.

Filed Date: 10/10/23.

Accession Number: 20231010–5326.

Comment Date: 5 p.m. ET 10/31/23.

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.

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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: October 10, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023–22764 Filed 10–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER24–26–000]

East Point Energy Center, 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 East Point Energy Center, 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 26, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <https://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 (<https://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: October 6, 2023.

Debbie-Anne A. Reese,*Deputy Secretary.*

[FR Doc. 2023–22702 Filed 10–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER24–55–000]

Silver Peak Energy, 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 Silver Peak Energy, 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 30, 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: October 10, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023-22766 Filed 10-13-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1922-052]

Ketchikan Public Utilities; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 1922-052.

c. *Date filed:* October 27, 2022.

d. *Applicant:* Ketchikan Public Utilities (KPU).

e. *Name of Project:* Beaver Falls Hydroelectric Project (project).

f. *Location:* On Beaver Falls Creek in Ketchikan Gateway Borough, Alaska. The project currently occupies 478.4 acres of United States lands administered by U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Jennifer Holstrom, Senior Project Engineer, Ketchikan Public Utilities, 1065 Fair Street, Ketchikan, Alaska 99901; (907) 228-4733; or email at jenniferh@ktn-ak.us.

i. *FERC Contact:* Golbahar Mirhosseini at Golbahar.Mirhosseini@ferc.gov.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCONline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or

(202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Beaver Falls Hydroelectric Project (P-1922-052).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

1. The existing Beaver Falls Project consists of two developments, Silvis and Beaver Falls. Beaver Falls Creek first flows into a 300-acre project reservoir known as Upper Silvis Lake which has approximately 38,000 acre-feet of gross storage capacity and 22,000 acre-feet of usable capacity and is impounded by Upper Silvis Lake Dam, a 60-foot-high, 135-foot-long, 22-foot-wide concrete-face, rock-filled dam with a crest elevation of 1,164 feet msl.¹ Water passes downstream of Upper Silvis Lake and dam via two primary methods: (1) via spill over a weir into an open channel that discharges to Lower Silvis Lake; or (2) via discharges through the Silvis Powerhouse into Lower Silvis Lake. Both the spillway weir and the intake to the power tunnel leading to Silvis powerhouse are located approximately 450 feet south and east of the dam. The Upper Silvis spillway consists of an ungated concrete-encapsulated composite rockfill weir with a 54-foot-long and 16-foot high crest at an elevation of 1,154 feet that passes water into an 800-foot-long, 20-foot-wide, 8-foot-deep excavated rock spillway channel leading from Upper Silvis Lake to Lower Silvis Lake. The Upper Silvis intake consists of a 3-foot by 4-foot manually operated sluice gate

approximately 200 feet downstream of the power tunnel entrance which is at an invert elevation of 1,050 msl. Water entering the intake passes through trash racks containing two rack bars 10-inches off center and spaced 30 feet apart and enters the 980-foot-long underground power tunnel connecting to a 375-foot-long, 36-inch-diameter steel penstock that conveys water to a 30 feet by 40 feet by 25-feet-high Silvis powerhouse. The Silvis powerhouse contains a single Francis-type turbine with a rated capacity of 2.1 megawatts. Water exiting the Silvis powerhouse enters a 150-foot-long trapezoidal shaped channel tailrace that discharges into Lower Silvis Lake. There is also a penstock bypass gate valve that can be used to bypass the powerhouse and discharge water from the penstock into the spillway channel that runs parallel to the penstock and a powerhouse bypass valve that allows water entering the powerhouse to bypass the turbine and discharge directly into Lower Silvis Lake. Power from the Silvis powerhouse is transmitted through a 2,900-foot-long, 5-kilovolt submarine cable beneath Lower Silvis Lake which connects to a 2,500 Kilovolt-ampere (kVA), 34.5-4.16 kV transformer located near Lower Silvis Lake Dam. From the transformer, power is transmitted via a 7,000-foot-long, 34.5-kilovolt aerial transmission line to the Beaver Falls substation/switchyard.

Water passing downstream of Upper Silvis Lake enters a 67.5-acre project reservoir known as Lower Silvis Lake which begins the Beaver Falls development portion of the project. Lower Silvis Lake has a gross storage capacity of approximately 8,052 acre-feet and usable storage capacity of 1,600 acre-feet and is impounded by Lower Silvis Dam which is a 32-foot-high, 140-foot-long concrete-face, rock-filled dam with a crest elevation of 835 feet. Water either spills over the Lower Silvis Dam and spillway into Beaver Falls Creek or enters the Lower Silvis intake structure and power tunnel system. A spillway composed of a reinforced concrete ungated control weir approximately 3-foot-high, 140-foot-long and 4-foot-wide with a crest elevation of 827 feet extends from the left abutment of Lower Silvis Lake Dam and discharges water into Beaver Falls Creek via a 50-foot-wide spillway discharge channel. Beaver Falls Creek then flows for approximately 0.66-miles to a 3-foot-high, 40-foot-long concrete Beaver Falls Creek Diversion Dam. At this point, water can either enter an intake leading to a penstock that supplies Unit 1 in the Beaver Falls powerhouse, or pass over the diversion dam spillway and flow an

¹ All elevations are in mean sea level (msl). The conversion to North American Vertical Datum of 1988 (NAVD 88) at the project is msl minus 8.07 feet.

additional 0.85-mile before discharging into George Inlet. The Beaver Falls Diversion Dam intake consists of a steel settling box and concrete shelter house with angled trash racks 81-inches-wide with 1.25-inches clear bar spacing and a manually operated gate that leads to a 4,170-foot-long above ground steel penstock that conveys water from the Beaver Falls Creek diversion dam east to the Beaver Falls powerhouse and supplies Unit 1 in the powerhouse. Rather than spilling over the Lower Silvis Lake Dam and spillway into Beaver Falls Creek, water in Lower Silvis Lake can also enter an intake structure located south of the Lower Silvis Lake Dam. The intake contains a 10-foot by 32-foot steel intake trash rack, with 0.25-inch by 2.5-inch deep bars spaced 1.75-inches apart. Water from the intake leads to a 3,800-foot-long underground power tunnel connecting to a 3,610-foot-long above ground steel penstock that supplies water to Units 3 and 4 in the powerhouse. A 225-foot-long, 20-inch-diameter “adit” (*i.e.*, steel pipe) taps into the 3,800-foot-long underground power tunnel and can be used by KPU to divert up to 60 cfs of water from the power tunnel to supplement flow in Beaver Falls Creek. The adit discharges water into an open drainage ditch that runs along the Silvis Lakes Trail for approximately 550 feet and connects to an approximately 50-foot-long return culvert running under the trail that discharges water into Beaver Falls Creek just upstream of the Beaver Falls Diversion Dam described earlier. The project penstocks convey water to a 30 feet by 147 feet by 25-foot-high Beaver Falls powerhouse containing three horizontal Pelton generating units with a total installed capacity of 5 MW (Units 1, 3 and 4 are operational; Unit 2 is decommissioned).² Water exiting the powerhouse enters a 60-foot-long open tailrace channel (Units 1 and 2 have separate tailrace channels each 9-foot-wide while Units 3 and 4 have separate 10-foot-wide channels which merge 30 feet downstream of the powerhouse into a single 20-foot-wide channel). KPU states there are no transmission lines

² The 5 MW total capacity for the Beaver Falls Powerhouse consists of 1 MW generated from Unit 1, 2 MW generated from Unit 3, and 2 MW generated from Unit 4. Unit 1 operates at a minimum hydraulic capacity of 7 cfs and maximum hydraulic capacity of 33 cfs. Unit 3 operates at a minimum hydraulic capacity of 8 cfs and a maximum hydraulic capacity of 55 cfs. Unit 4 operates at a minimum hydraulic capacity of 9 cfs and a maximum hydraulic capacity of 56 cfs. Therefore, the minimum capacity of the Beaver Falls Powerhouse is 7 cfs while the combined maximum hydraulic capacity for the Beaver Falls powerhouse is 144 cfs.

associated with the Beaver Falls powerhouse as the powerhouse interconnects to the adjacent Beaver Falls substation/switchyard, which is also serves as interconnection point for the Silvis transmission line described earlier. Between both powerhouses, the Beaver Falls Project generates an average of 45,877 megawatt-hours (MWh) annually.

KPU operates the project in peaking mode utilizing a combination of river inflow and storage in the reservoirs to meet the power demands of the City of Ketchikan (particularly in the summer). Upper Silvis Lake provides the primary storage for the project. KPU proposes to continue operating the project in peaking mode with no new developments or modifications to its existing facilities or operation. KPU also proposes to remove 77 acres of land from the Beaver Falls project boundary to more closely align with the footprint of its facilities and maintenance needs. KPU’s proposed Beaver Falls project boundary would include 408.8 acres of land within Tongass National Forest, and approximately 14.2 acres of Federal lands subject to FPA Section 24, for a total of 423 acres.

m. A copy of the application is available for review 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. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208–3676 or TTY (202) 502–8659.

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

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.

All filings must (1) bear in all capital letters the title “COMMENTS,” “REPLY

COMMENTS,” “RECOMMENDATIONS,” “TERMS AND CONDITIONS,” or “PRESCRIPTIONS;” (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

n. The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please also note that the certification request must be sent to the certifying authority and to the Commission concurrently.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions.	December 2023.
Licensee’s Reply to REA Comments.	January 2024.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: October 10, 2023.

Kimberly D. Bose,
Secretary.

[FR Doc. 2023–22757 Filed 10–13–23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Effectiveness of Exempt Wholesale Generator Status**

	Docket Nos.
PGR 2022 Lessee 8, LLC	EG23-220-000
Porter Solar, LLC	EG23-221-000
Orlando CoGen Limited, L.P.	EG23-222-000
Vineyard Wind 1 LLC	EG23-223-000
Derby Fuel Cell, LLC	EG23-224-000
Chevelon Butte RE II LLC	EG23-225-000
Strauss Wind, LLC	EG23-226-000
Arica Solar, LLC	EG23-227-000
Redonda PV LLC	EG23-228-000
Victory Pass I, LLC	EG23-229-000
Misenheimer Solar LLC	EG23-230-000
Downeast Wind, LLC	EG23-231-000
Great Cove Solar LLC	EG23-232-000
Great Cove Solar II LLC	EG23-233-000
Tunica Windpower LLC	EG23-234-000
Platteview Solar, LLC	EG23-235-000
Cavalier Solar A2, LLC	EG23-236-000
McFarland Solar B, LLC	EG23-237-000
Copperhead Solar, LLC	EG23-238-000
7V Solar Ranch, LLC	EG23-239-000
Crystal Hill Solar, LLC	EG23-240-000
EnerSmart Los Coches BESS LLC.	EG23-241-000
Eleven Mile Solar Center, LLC.	EG23-242-000

Take notice that during the month of September 2023, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2022).

Dated: October 10, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-22768 Filed 10-13-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER24-34-000]

Proxima Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Proxima Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal

Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 30, 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.

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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: October 10, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-22767 Filed 10-13-23; 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: EC24-2-000.

Applicants: ECP ControlCo, LLC, Bridgepoint OP LP.

Description: Application for Authorization Under Section 203 of the Federal Power Act of ECP ControlCo, LLC.

Filed Date: 10/3/23.

Accession Number: 20231003-5203.

Comment Date: 5 p.m. ET 10/24/23.

Docket Numbers: EC24-3-000.

Applicants: Piedmont Green Power, LLC, Pacolet Milliken, LLC.

Description: Joint Application for Authorization under Section 203 of the Federal Power Act, Request for Privileged Treatment, and Request for Expedited Consideration of Piedmont Green Power, LLC, et al.

Filed Date: 10/4/23.

Accession Number: 20231004-5182.

Comment Date: 5 p.m. ET 10/25/23.

Docket Numbers: EC24-4-000.

Applicants: Wildwood Lessee, LLC, Holloman Lessee LLC, SE1 Generation, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Wildwood Lessee, LLC, et al.

Filed Date: 10/2/23.

Accession Number: 20231002-5389.

Comment Date: 5 p.m. ET 10/23/23.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15-1687-004.

Applicants: Blue Cube Operations LLC.

Description: Late-Filed Updated Market Power Analyses for the Central Region of Blue Cube Operations LLC.

Filed Date: 10/5/23.

Accession Number: 20231005-5195.

Comment Date: 5 p.m. ET 10/26/23.

Docket Numbers: ER20–676–009.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Compliance Filing of Tri-State Generation and Transmission Association, Inc. in Response to Opinion No. 582.
Filed Date: 9/29/23.
Accession Number: 20230929–5375.
Comment Date: 5 p.m. ET 10/20/23.
Docket Numbers: ER23–2982–000.
Applicants: BP Energy Company.
Description: BP Energy Company submits 2023 WECC Soft Price Cap Justification Filing.
Filed Date: 9/29/23.
Accession Number: 20230929–5376.
Comment Date: 5 p.m. ET 10/20/23.
Docket Numbers: ER24–35–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Amendment: 2023–10–05 OMID E&P—GI–2020–18–662—NOC—0.1.0 to be effective 12/5/2023.
Filed Date: 10/5/23.
Accession Number: 20231005–5172.
Comment Date: 5 p.m. ET 10/26/23.
Docket Numbers: ER24–36–000.
Applicants: Wabash Valley Power Association, Inc.
Description: § 205(d) Rate Filing: Filing of New Wholesale Power Supply Contracts—Clone to be effective 12/5/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5001.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–38–000.
Applicants: Wabash Valley Power Association, Inc.
Description: Initial rate filing: Filing of Policy D–2 to be effective 12/5/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5002.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–39–000.
Applicants: Wabash Valley Power Association, Inc.
Description: Initial rate filing: Filing of Policy D–11.1 to be effective 12/5/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5003.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–40–000.
Applicants: PacifiCorp.
Description: Tariff Amendment: Termination of UAMPS Const Agmt Santa Clara BTM Resource Modeling to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5010.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–41–000.
Applicants: Pennsylvania Electric Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Pennsylvania Electric Company submits tariff filing per 35.13(a)(2)(iii): PENELEC Amends 6 ECSAs (5279 6269 6299 6332 6487 6490) to be effective 12/31/9998.
Filed Date: 10/6/23.
Accession Number: 20231006–5043.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–42–000.
Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Virginia Electric and Power Company submits tariff filing per 35.13(a)(2)(iii): VEPCO submits 1 WDSA, SA NO. 7119 to be effective 9/28/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5050.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–43–000.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Termination of Pier S Energy Storage Letter Agreement to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5055.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–44–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachment AE and AF Regarding Energy Offers Greater Than \$1000/MWh to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5061.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–45–000.
Applicants: Blue Cube Operations LLC.
Description: Compliance filing: Blue Cube Operations LLC Change in Status filing to be effective 10/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5062.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–46–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits one Engineering and Construction Agreement SA No. 6644 to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5065.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–47–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Hale South Solar LGIA Termination Filing to be effective 10/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5066.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–48–000.
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): Griffin Road (GASNF Solar) LGIA Filing to be effective 10/2/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5067.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–49–000.
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): Baker Creek Solar LGIA Filing to be effective 9/28/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5070.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–50–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of Transmission Owner Service Agreement No. 56 with Dinuba Energy of Pacific Gas and Electric Company.
Filed Date: 10/3/23.
Accession Number: 20231003–5210.
Comment Date: 5 p.m. ET 10/24/23.
Docket Numbers: ER24–51–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 5545; Queue No. AE2–125 (amend) to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5126.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–52–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of WMPA, SA No. 5807; Queue No. AF2–400 re: Withdrawal to be effective 12/6/2023.
Filed Date: 10/6/23.
Accession Number: 20231006–5129.
Comment Date: 5 p.m. ET 10/27/23.
Docket Numbers: ER24–53–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 6750;

Queue No. AD2-033 (amend) to be effective 12/6/2023.

Filed Date: 10/6/23.

Accession Number: 20231006-5139.

Comment Date: 5 p.m. ET 10/27/23.

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: October 6, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023-22704 Filed 10-13-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 553-245]

Notice of Petition for Declaratory Order; City of Seattle, Washington

Take notice that on September 19, 2023, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2022), the City of Seattle, Washington, through its City Light Department (Seattle City Light or Petitioner), filed a

petition for declaratory order (Petition) requesting that the Commission issue an order finding that Seattle City Light is not required to obtain a special use permit from the National Park Service for drone inspections or to undertake other operations and maintenance activities at the Skagit River Hydroelectric Project, as more fully explained in the Petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

Any person wishing to comment on Seattle City Light's Petition may do so. The Commission respectfully requests the National Park Service's comments on the Petition. The deadline for filing comments is 30 days from the issuance of this notice.

The Commission strongly encourages electronic submission of comments, protests, and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any submission should include docket number P-553-245.

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 Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued

by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or 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.

Comment Date: 5:00 p.m. Eastern Time on November 6, 2023.

Dated: October 6, 2023.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2023-22708 Filed 10-13-23; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas and Oil Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP23-887-001.

Applicants: Columbia Gulf

Transmission, LLC.

Description: Compliance filing; Settlement Compliance Filing—Reservation Charge Credits Tariff Implementation to be effective 10/29/2023.

Filed Date: 10/5/23.

Accession Number: 20231005-5125.

Comment Date: 5 p.m. ET 10/17/23.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/>

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

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: October 6, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023-22706 Filed 10-13-23; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2003-0004; FRL-11406-01-OCSP]P

Access to Confidential Business Information by Abt Associates and Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the following contractor and subcontractors to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA), some of which may be claimed or determined to be confidential business information (CBI): Abt Associates of Rockville, MD and Abt's subcontractors as listed in Unit III.

DATES: Access will occur no sooner than October 23, 2023.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2003-0004, is available at <https://www.regulations.gov>. Additional instructions on accessing the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Colby Lintner, Program Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC

20460-0001; telephone number: (202) 564-8182; email address: *lintner.colby@epa.gov* or contact Adam Schwoerer; telephone number: (202) 564-4767; email address: *schwoerer.adam@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Because other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

II. What is the Agency's authority for taking this action?

This notice is provided pursuant to section 14 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, and EPA implementing regulations in 40 CFR part 2.

III. What action is the Agency taking?

Under contract number 68HERC23D0004, Abt Associates and its subcontractors as identified in this unit will provide support for Chemical Screening, Review, and Evaluation of New, Existing, and Safer Choice Chemical Substances in accordance with the Performance Work Statement which are vital to Agency personnel to make informed decisions on environmental issues and other information that maybe claimed as TSCA CBI in accordance with the TSCA Security Manual.

In accordance with 40 CFR 2.306(j), EPA has determined that to perform successfully the duties specified under EPA contract number 68HERC23D0004, the contractor and its subcontractors will require access to information that may contain CBI submitted under all sections of TSCA. As such, personnel of the contractor and its subcontractors will be given access to information that may be claimed or determined to be CBI information submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA will provide the herein identified contractor and its subcontractors with access to the CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at the

EPA Headquarters, and/or at the following facilities of the contractor and/or subcontractors:

- Abt Associates, located at 6130 Executive Boulevard, Rockville, MD 20852;
 - Chickasaw Health Consulting LLC, located at 2600 John Saxton Blvd., Norman, OK 73071;
 - Consortium Environmental Risk Management (CERM), located at 9 Union Street, 3rd Floor Hollowell, MD 04347;
 - Environmental Health & Engineering Inc (EH&E), located at 180 Wells Avenue, Suite 200, Newton, MA 02459;
 - Environmental Management Support, Inc (EMS), located at 8455 Colesville Road, Suite 700, Silver Spring, MD 20910;
 - Essential Software, Inc (ESI), located at 9024 Mistwood Drive, Rockville, MD 20854;
 - Gnarly Tree Sustainability Institute (Gnarly Tree), located at 7478 E Rush Ridge Road, Bloomington, IN 47401;
 - Green Street Communications, located at 7686 Richmond Highway @ 113, Alexandria, VA 22306;
 - LightSpeed Edu, located at 652 Gaylord Mountain Road, Hamden, CT 06518;
 - Mabbett & Associates, Inc., located at 105 Central Street, Suite 4100, Stoneham, MA 02180;
 - Pacific Northwest Pollution Prevention Resource Center (PPRC), located at 8620 Holly Drive #250, Everett, WA 98208;
 - QuanTech Services Inc., located at 1 Hartwell Place, Second Floor, Lexington, MA 02421;
 - Risk Sciences International Inc. (RSI), located at 700-251 Laurier Avenue W, Ottawa, ON K1P5J6 Canada;
 - Toxics Used Reduction Institute (TURI), located at The Offices at Boott Miles West 126 John Street, Suite 14 (Second Floor), Lowell, MA 01852;
 - University of Alaska Fairbanks (UAF), 1731 South Chandalar Drive, Fairbanks, AK 99775;
 - Versar Inc., located at 105 Vermont Avenue NW, Suite 500, Washington, DC 20005; and
 - At the telework locations of the personnel of the contractor and subcontractors in accordance with EPA's *TSCA CBI Protection Manual* and the Rules of Behavior for Virtual Desktop Access to OPPT Materials, including TSCA CBI.
- Access to TSCA data, including CBI, will continue until November 30, 2027. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

The personnel of the contractor and subcontractors will be required to sign nondisclosure agreements and will be briefed on specific security procedures for TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 11, 2023.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2023-22781 Filed 10-13-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2023-0450; 11379-01-OAR]

Notice of Public Meeting of the Interagency Steering Committee on Radiation Standards (ISCORS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) will host a meeting of the Interagency Steering Committee on Radiation Standards (ISCORS) on Tuesday, November 28, 2023, in Washington, DC.

DATES: The meeting will be held on Tuesday, November 28, 2023, from 1 p.m. to 4 p.m.

ADDRESSES: The ISCORS meeting will be held in Room 1153 at the USEPA William Jefferson Clinton East Building (WJC East), 1201 Constitution Avenue NW, Washington, DC. Attendees are required to present a photo ID such as a government agency photo identification badge or valid driver's license. The Department of Homeland Security has begun implementing REAL ID Act requirements for visitors who present state-issued driver's licenses as IDs at restricted Federal facilities. Driver's licenses from states and territories that do not comply with the REAL ID Act will not be accepted as identification. More details on these ID requirements can be found at <https://www.epa.gov/aboutepa/visiting-epa-headquarters> and clicking on the Building Access tab. Visitors and their belongings will be screened by EPA security guards. Visitors must sign the visitors log at the security desk and will be issued a visitor's badge by the security guards to gain access to the meeting.

FOR FURTHER INFORMATION CONTACT:

Marisa D. Thornton, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, U.S. Environmental Protection Agency, 1200

Pennsylvania Avenue NW, Washington, DC 20460; email: thornton.marisa@epa.gov, phone: 202-343-9237.

SUPPLEMENTARY INFORMATION: The purpose of ISCORS is to foster early resolution and coordination of regulatory issues associated with radiation standards. Member agencies include: EPA; the Nuclear Regulatory Commission; and Departments of Defense; Energy, Health and Human Services; Homeland Security; Transportation; and Labor's Occupational Safety and Health Administration. Observer agencies include: the Office of Science and Technology Policy, Office of Management and Budget, Defense Nuclear Facilities Safety Board, as well as state representatives from Connecticut and Washington.

ISCORS maintains several objectives: (1) facilitate a consensus on allowable levels of radiation risk to the public and workers; (2) promote consistent and scientifically sound risk assessment and risk management approaches in setting and implementing standards for occupational and public protection from ionizing radiation; (3) promote completeness and coherence of Federal standards for radiation protection; and (4) identify interagency radiation protection issues and coordinate their resolution. ISCORS meetings include presentations by Subcommittee Chairs and discussions of current radiation protection issues. Committee meetings normally involve pre-decisional intra-governmental discussions and, as such, are normally not open for observation by members of the public or media. This particular ISCORS meeting is open to all interested members of the public. Time will be reserved on the agenda for members of the public to ask questions and provide comments.

Pay parking is available for visitors at multiple garages around the Ronald Reagan building and Federal Triangle complex. Visitors can also ride the Metro to the Federal Triangle station (Blue, Orange or Silver Line). After exiting the turnstiles, go up both escalators to street level. Turn around and walk towards 12th Street NW turn right on 12th Street and continue walking until you get to Constitution Avenue. Then turn right onto Constitution Avenue and 1201 William Jefferson Clinton EAST is the first building on your right.

Visit the ISCORS website, www.epa.gov/iscors for more detailed information.

Please note: The final meeting agenda will be posted on the website shortly before the meeting.

Jonathan D. Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2023-22736 Filed 10-13-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2023-0074; FRL-11443-01-OCSPP]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel their registrations of certain pesticide products and to amend their pesticide product registrations to terminate one or more uses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled or uses terminated only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before November 15, 2023.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0074, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-2707; email address: green.christopher@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in

accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>.

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain and terminate certain uses of certain product registrations. The affected products and the registrants making the requests are identified in Tables 1-3 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order canceling and amending the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
4-122	4	Bonide A Complete Fruit Tree Spray.	Captan (081301/133-06-2)—(11.76%), Carbaryl (056801/63-25-2)—(.3%), Malathion (NO INERT USE) (057701/121-75-5)—(6%).
4-412	4	Bonide Malathion Insect Spray	Malathion (NO INERT USE) (057701/121-75-5)—(55%).
100-935	100	Helix Xtra Insecticide with Fungicides.	Difenoconazole (128847/119446-68-3)—(1.25%), Fludioxonil (071503/131341-86-1)—(.13%), Metalaxyl-M (113502/70630-17-0)—(.4%), Thiamethoxam (060109/153719-23-4)—(20.7%).
100-973	100	Helix Insecticide with Fungicides	Difenoconazole (128847/119446-68-3)—(1.24%), Fludioxonil (071503/131341-86-1)—(.13%), Metalaxyl-M (113502/70630-17-0)—(.39%), Thiamethoxam (060109/153719-23-4)—(10.3%).
100-1305	100	Cruiser Maxx Cereals	Difenoconazole (128847/119446-68-3)—(3.36%), Metalaxyl-M (113502/70630-17-0)—(.56%), Thiamethoxam (060109/153719-23-4)—(2.8%).
279-3563	279	Report Extra Herbicide	Chlorsulfuron (118601/64902-72-3)—(62.5%), Metsulfuron (122010/74223-64-6)—(12.5%).
5481-485	5481	90% Dimethyl-T	DCPA (078701/1861-32-1)—(90%).
5481-486	5481	Dacthal 1.92F	DCPA (078701/1861-32-1)—(20.7%).
5481-491	5481	Dacthal W-75	DCPA (078701/1861-32-1)—(75%).
87373-131	87373	Arg Spiromesifen Technical	Spiromesifen (024875/283594-90-1)—(98.6%).
91234-275	91234	A1100.02	Spiromesifen (024875/283594-90-1)—(23.1%).
91234-276	91234	A1100.03	Spiromesifen (024875/283594-90-1)—(45.2%).
91234-277	91234	A1100.04	Spiromesifen (024875/283594-90-1)—(45.2%).
ID-080012	91411	Dupont Mankocide Fungicide	Copper hydroxide (023401/20427-59-2)—(46.1%), Mancozeb (014504/8018-01-7)—(15%).
MI-110002	62719	Instinct	Nitrapyrin (069203/1929-82-4)—(17.67%).
NC-130001	69969	Avipel (Dry) Corn Seed Treatment	Antraquinone (122701/84-65-1)—(50%).
OH-110003	62719	Instinct	Nitrapyrin (069203/1929-82-4)—(17.67%).

TABLE 1A—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
5481-490	5481	Dacthal W-75 Herbicide	DCPA (078701/1861-32-1)—(75%).

The registrant requested only 6 months to sell existing stocks of the

registration 5481-490, identified in Table 1A of Unit II.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
228–660	228	Nufarm Ethephon 2 Plant Growth Regulator.	Ethephon (099801/16672–87–0)—(21.7%).	Non-golf turf uses; sod farms, commercial turf & golf course roughs.
11556–155	11556	PNR1427 Insecticide	Flumethrin (036007/69770–45–2)—(4.5%), Imidacloprid (129099/138261–41–3)—(10%).	Cat uses.
34688–85	34688	Triameen Y12D	1,3-Propanediamine, N-(3-aminopropyl)-N-dodecyl-(067300/2372–82–9)—(91.4%).	Oil Field Water Flood Systems and Metalworking Fluid uses.
34688–86	34688	Triameen Y12D Preservative	1,3-Propanediamine, N-(3-aminopropyl)-N-dodecyl-(067300/2372–82–9)—(91.4%).	Oil Field Water Flood Systems and Metalworking Fluid uses.

Table 3 of this unit includes the names and addresses of record for the registrants of the products listed in

Table 1, Table 1A and Table 2 of this unit, in sequence by EPA company number. This number corresponds to

the first part of the EPA registration numbers of the products listed in Table 1, Table 1A and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATIONS AND/OR AMENDMENTS

EPA company No.	Company name and address
4	Bonide Products, LLC, Attn: Audra Star, 6301 Sutiiff Road, Oriskany, NY 13424.
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
228	NuFarm Americas, Inc., Agent Name: NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste. 101, Morrisville, NC 27560.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
5481	Amvac Chemical Corporation, 4695 Macarthur Court, Suite 1200, Newport Beach, CA 92660–1706.
11556	Elanco US, Inc., 2500 Innovation Way, Greenfield, IN 46140.
34688	Nouryon Surface Chemistry, LLC, 100 Matsonford Road, Building 5, Radnor, PA 19087.
62719	Corteva Agriscience, LLC, 9330 Zionville Road, Indianapolis, IN 46268.
69969	Arkion Life Sciences, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
87373	Argite, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332.
91234	Atticus, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332–9122.
91411	Cosaco, LLC, Agent Name: Wagner Regulatory Associates, Inc., 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707.

III. What is the Agency’s authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide

would pose an unreasonable adverse effect on the environment.

The registrants have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use termination should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for voluntary cancellation and amendments to

terminate uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations and for amendments to terminate uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1, Table 1A, & Table 2 of Unit II.

For: 5481–490

For 581–490, listed in Table 1A of Unit II, the registrant requested only 6-months after the effective date of the cancellation to sell existing stocks, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1A of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations listed in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the

effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved product labels reflecting the requested amendments to terminate uses, listed in Table 2 of Unit II, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 10, 2023.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2023-22707 Filed 10-13-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2003-0004; FRL-11405-01-OCSPF]

Access to Confidential Business Information by Battelle Memorial Institute and Its Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the following contractor and subcontractors to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA), some of which may be claimed or determined to be confidential business information (CBI): Battelle Memorial Institute of Columbus, OH and its subcontractors as listed in Unit III.

DATES: Access will occur after October 23, 2023.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2003-0004, is available at <https://www.regulations.gov>. Additional instructions on accessing the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Colby Lintner, Program Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8182; email address: lintner.colby@epa.gov or contact Adam Schwoerer; telephone number: (202) 564-4767; email address: schwoerer.adam@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Because other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

II. What is the Agency's authority for taking this action?

This notice is provided pursuant to section 14 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, and EPA implementing regulations in 40 CFR part 2.

III. What action is the Agency taking?

Under EPA contract number 68HERC23D0005, Battelle Memorial Institute and its subcontractors as identified in this unit will provide support for Chemical Screening, Review, and Evaluation of New, Existing, and Safer Choice Chemical Substances in accordance with the Performance Work Statement which are vital to Agency personnel to make informed decisions on environmental issues and other information that maybe claimed as TSCA CBI in accordance with the TSCA Security Manual.

In accordance with 40 CFR 2.306(j), EPA has determined that to perform

successfully the duties specified under EPA contract number 68HERC23D0005, the contractor and its subcontractors will require access to information that may contain CBI submitted under all sections of TSCA. As such, personnel of the contractor and its subcontractors will be given access to information that may be claimed or determined to be CBI information submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA will provide the herein identified contractor and its subcontractors with access to the CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters, and/or at the following facilities of the contractor and/or subcontractors:

- Battelle Memorial Institute, located at 505 King Avenue Columbus, OH 43201;
- Avanti Corporation, located at 5695 King Centre Drive, 301 Alexandria, VA 22315;
- Industrial Economics Inc., located at 2067 Massachusetts Ave Cambridge, MA 02140;
- Integral Consulting Inc., located at 200 Harry S. Truman Parkway Suite 330 Annapolis, MD 21401;
- Integrated Laboratory Systems (ILS), located at 601 Keystone Park Dr, Morrisville, NC 27560;
- MDB Inc., located at 1730 Rhode Island Ave NW #1200 Washington, DC 20036; and
- At the telework locations of the personnel of the contractor and subcontractors in accordance with EPA's *TSCA CBI Protection Manual* and the Rules of Behavior for Virtual Desktop Access to OPPT Materials, including TSCA CBI.

Access to TSCA data, including CBI, will continue until November 30, 2027. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

The personnel of the contractor and subcontractors will be required to sign nondisclosure agreements and will be briefed on specific security procedures for TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 11, 2023.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2023-22782 Filed 10-13-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2012-0830; FRL-11230-01-ORD]

Availability of the Draft IRIS Toxicological Review of Inorganic Arsenic**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 60-day public comment period associated with release of the draft Integrated Risk Information System (IRIS) Toxicological Review of Inorganic Arsenic. The draft document was prepared by the Center for Public Health and Environmental Assessment (CPHEA) within EPA's Office of Research and Development (ORD). EPA is releasing this draft IRIS assessment for public comment in advance of a Science Advisory Board (SAB) managed peer review. SAB will convene a public meeting to discuss the draft assessment with the public during Step 4 of the IRIS Process. The external peer reviewers will consider public comments submitted to the EPA docket in response to this notice and any others provided at the public meeting when reviewing this assessment. EPA will consider all comments submitted to the docket when revising the document post-peer review. This draft assessment is not final as described in EPA's information quality guidelines, and it does not represent, and should not be construed to represent Agency policy or views.

DATES: The 60-day public comment period begins October 16, 2023 and ends December 15, 2023. Comments must be received on or before December 15, 2023.

ADDRESSES: The IRIS Toxicological Review of Inorganic Arsenic will be available via the internet on the IRIS website at <https://www.epa.gov/iris/iris-recent-additions> and in the public docket at <http://www.regulations.gov>, Docket ID No. EPA-HQ-ORD-2012-0830.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202-566-1752; facsimile: 202-566-9744; or email: Docket_ORD@epa.gov.

For technical information on the IRIS Toxicological Review of Inorganic Arsenic contact the IRIS Hotline; email: IRIS_HOTLINE@epa.gov. The IRIS

Program will provide updates through the IRIS website (<https://www.epa.gov/iris>) and via EPA's IRIS listserv. To register for the IRIS listserv, visit the IRIS website (<https://www.epa.gov/iris>) or visit <https://www.epa.gov/iris/forms/staying-connected-integrated-risk-information-system#connect>.

For information about the peer review, please visit the EPA SAB website: https://sab.epa.gov/ords/sab/f?p=114:18:11986040837293::RP,18:P18_ID:2631.

For technical information on the protocol, contact Mr. Dahnish Shams, Center for Public Health & Environmental Assessment email: shams.dahnish@epa.gov.

SUPPLEMENTARY INFORMATION: How to Submit Technical Comments to the Docket at <https://www.regulations.gov>. Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2012-0830 for the Inorganic Arsenic IRIS Assessment, by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- **Email:** Docket_ORD@epa.gov.
- **Fax:** 202-566-9744.
- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202-566-1752.

For information on visiting the EPA Docket Center Public Reading Room, visit <https://www.epa.gov/dockets>. The telephone number for the Public Reading Room is 202-566-1744. The public can submit comments via www.regulations.gov or email.

Instructions: Direct your comments to docket number EPA-HQ-ORD-2012-0830 for IRIS Toxicological Review of Inorganic Arsenic. Please ensure that your comments are submitted within the specified comment period. It is EPA's policy to include all comments it receives in the public docket within the specified comment period without change and to make the comments available online at www.regulations.gov, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through www.regulations.gov or email that you consider to be CBI or otherwise protected. The www.regulations.gov website is an "anonymous access" system, which means 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 EPA without going through 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, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at www.epa.gov/epahome/dockets.htm.

Docket: Documents in the docket are listed in the 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 materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Wayne Cascio,

Director, Center for Public Health & Environmental Assessment.

[FR Doc. 2023-22776 Filed 10-13-23; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION**Sunshine Act Meetings**

TIME AND DATE: Thursday, October 19, 2023, at 10:30 a.m.

PLACE: Hybrid meeting: 1050 First Street NE, Washington, DC (12th floor) and virtual.

Note: For those attending the meeting in person, current COVID-19 safety protocols for visitors, which are based on the CDC COVID-19 hospital admission level in Washington, DC, will be updated on the commission's contact page by the Monday before the meeting. See the contact page at <https://www.fec.gov/contact/>. If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID-19 hospital admission level and

corresponding health and safety procedures. To access the meeting virtually, go to the commission's website www.fec.gov and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Proposed Directive Regarding Investigations Conducted by the Office of General Counsel
Audit Division Recommendation Memorandum on Citizens for Waters (A21-01)
Proposed Final Audit Report on Steve Daines for Montana (A21-04)
Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION:

Judith Ingram, Press Officer. Telephone: (202) 694-1220.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694-1040 or secretary@fec.gov, at least 72 hours prior to the meeting date.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Laura E. Sinram,

Secretary and Clerk of the Commission.

[FR Doc. 2023-22810 Filed 10-12-23; 11:15 am]

BILLING CODE 6715-01-P

FEDERAL MARITIME COMMISSION

Notice of Request for Additional Information

The Commission gives notice that it has formally requested that the parties to the below listed agreements provide additional information pursuant to 46 U.S.C. 40304(d). This action prevents the agreements from becoming effective as originally scheduled. 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 may be filed up to fifteen (15) days after publication of this notice appears in the **Federal Register**.

Agreement No.: 201234-006.

Title: 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).

By Order of the Federal Maritime Commission.

Dated: October 10, 2023.

Carl Savoy,

Federal Register Alternate Liaison Officer.

[FR Doc. 2023-22740 Filed 10-13-23; 8:45 am]

BILLING CODE 6730-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting for Software Developers on the Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of public meeting.

SUMMARY: The purpose of this notice is to announce a meeting to discuss implementation of the Common Formats with software developers and other interested parties. This meeting is designed as an interactive forum where software developers can provide input on use of the formats. AHRQ especially requests participation by and input from those entities which have used AHRQ's technical specifications and implemented, or plan to implement, the Common Formats electronically.

DATES: The meeting will be held from 2 to 3 p.m. Eastern on Wednesday, October 25, 2023.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT:

Erofile Gripiotis, Program Analyst, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403-3697; Telephone (local): (301) 427-1111; TTY (toll free): (866) 438-7231; TTY (local): (301) 427-1130; Email: psa@ahrq.hhs.gov.

SUPPLEMENTARY INFORMATION: AHRQ coordinates the development of sets of standardized definitions and formats (Common Formats) that make it possible to collect, aggregate, and analyze uniformly structured information about health care quality and patient safety for local, regional, and national learning. The Common Formats include technical specifications to facilitate the collection of electronically comparable data by Patient Safety Organizations (PSOs) and other entities. Additional information about the Common Formats can be obtained through AHRQ's PSO website at <https://psa.ahrq.gov/common-formats> and the PSO Privacy Protection Center's website at <https://www.psoppc.org/>

[psoppc_web/publicpages/commonFormatsOverview](https://psoppc.web/publicpages/commonFormatsOverview).

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b-21 to 299b-26 (Patient Safety Act), and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731-70814, provide for the Federal listing of Patient Safety Organizations (PSOs), which collect, aggregate, and analyze confidential information (patient safety work product) regarding the quality and safety of health care delivery. The Patient Safety Act requires PSOs, to the extent practical and appropriate, to collect patient safety work product from providers in a standardized manner that permits valid comparisons of similar cases among similar providers. (42 U.S.C. 299b-24(b)(1)(F)). The Patient Safety Act also authorizes the development of data standards, known as the Common Formats, to facilitate the aggregation and analysis of non-identifiable patient safety data collected by PSOs and reported to the network of patient safety databases (NPSD). (42 U.S.C. 299b-23(b)). The Patient Safety Act and Patient Safety Rule can be accessed at: <http://www.pso.ahrq.gov/legislation/>.

AHRQ has issued Common Formats for Event Reporting (CFER) for three settings of care—hospitals, nursing homes, and community pharmacies. AHRQ has also issued Common Formats for Event Reporting—Diagnostic Safety (CFER-DS) designed for use in all healthcare settings.

Federally listed PSOs can meet the requirement to collect patient safety work product in a standardized manner to the extent practical and appropriate by using AHRQ's Common Formats. The Common Formats are also available in the public domain to encourage their widespread adoption. An entity does not need to be listed as a PSO or working with one to use the Common Formats. However, the Federal privilege and confidentiality protections only apply to information developed as patient safety work product by providers and PSOs working under the Patient Safety Act.

Agenda, Registration, and Other Information About the Meeting

The Agency for Healthcare Research and Quality (AHRQ) will be hosting this fully virtual meeting to discuss implementation of the Common Formats with members of the public, including software developers and other interested

parties. Agenda topics will include discussion of a new Common Formats commenting tool and presentation from the HIMSS EHR Association. Active participation and discussion by meeting participants is encouraged.

AHRQ requests that interested persons send an email to SDMeetings@infinityconferences.com for registration information. Before the meeting, an agenda and logistical information will be provided to registrants.

Dated: October 6, 2023.

Marquita Cullom,

Associate Director.

[FR Doc. 2023-22575 Filed 10-13-23; 8:45 am]

BILLING CODE 4160-90-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-24-24AA; Docket No. CDC-2023-0083]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Rape Prevention and Education (RPE) Program. The RPE Program is designed to assess how recipients are improving prevention infrastructure, implementing, and evaluating prevention strategies to expand efforts to prevent sexual assault, and using data to inform prevention action.

DATES: CDC must receive written comments on or before December 15, 2023.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2023-0083 by either of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600

Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329; Telephone: 404-639-7570; Email: omb@cdc.gov.

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;
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; and
5. Assess information collection costs.

Proposed Project

Rape Prevention and Education (RPE) Program—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Sexual violence (SV) is a major public health problem, one in three women and one in four men experienced sexual violence involving physical contact during their lifetimes. Nearly one in five women and one in 38 men have experienced completed or attempted rape. Sexual violence starts early: one in three female and one in four male rape victims experienced it for the first time between 11-17 years old. The Rape Prevention and Education Program (RPE) provides funding to health departments and sexual violence coalitions in all 50 States, the District of Columbia (DC), and U.S. Territories, as well as up to 10 Tribal coalitions. CDC will collect data from RPE Program recipients to assess how recipients are improving prevention infrastructure, implementing, and evaluating prevention strategies to expand efforts to prevent sexual assault, and using data to inform prevention action.

Recipients will have an opportunity to: (1) continue to build program and partner capacity to facilitate and monitor the implementation of SV prevention programs, practices, and policies; (2) continue to support State and Territorial health departments' implementation of community- and societal-level programs, practices, and policies to prevent SV; (3) continue to support the implementation of data-driven, comprehensive, evidence-based SV primary prevention strategies, and approaches focused mainly on health equity; and (4) continuously conduct data to action activities to inform changes or adaptations to existing SV strategies or on selected and implemented additional strategies.

RPE Program recipients or designated delegates will submit data annually into an online data system. Recipients will monitor and report progress on their goals, objectives, and activities, as well as relevant information on the implementation of their prevention strategies, outcomes, evaluation, and State action plan. Information will be collected via online web-based survey software. Descriptive analyses (e.g., frequencies and crosstabs) will be performed on numeric or categorical data, and content analyses (e.g., categorization) on open-ended or text data. Information to be collected will provide crucial data for program

performance monitoring and provide CDC with the capacity to respond in a timely manner to requests for information about the program from the Department of Health and Human Services (HHS), the White House, Congress, and other sources.

Information to be collected will also strengthen CDC's ability to monitor awardee progress, provide data-driven technical assistance, and disseminate the most current surveillance data on unintentional and intentional injuries.

CDC requests OMB approval for an estimated 1,408 annualized burden hours. There are no direct costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
RPE-funded Health Departments (State, DC, and Territories), Sexual Assault Coalitions, Tribal Coalitions, and their Designated Delegates.	Annual Performance Report	128	1	10	1280
	Program Director Survey	128	1	30/60	64
	Lead Evaluator Survey	128	1	30/60	64
Total .....	.....	.....	.....	.....	1408

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2023-22778 Filed 10-13-23; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-24-1333]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Feeding My Baby and Me: Infant Feeding Practices Study III (FMB&M-IFPS III)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 9, 2023 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Feeding My Baby and Me: Infant Feeding Practices Study III (OMB Control No. 0920-1333, Exp. 4/30/

2024)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

A child’s first two years of life can have profound impacts on their later dietary behaviors and health outcomes. Early feeding behaviors (e.g., breastfeeding, timing of complementary food introduction, intake of different foods and beverages such as fruits, vegetables, sugar sweetened beverages, and maternal and infant feeding styles) can play a role in the establishment of later dietary behaviors and may be associated with health outcomes (e.g., risk of infections, obesity, and weight gain). However, limited data is available to track how prenatal and maternal practices impact infant feeding and health in the early years of life. Findings from the Feeding My Baby and Me: Infant Feeding Practices Study III (FMB&M-IFPS III) will be used to fill research gaps on how feeding behaviors, patterns, and practices change over the first two years of life and the health-related impacts; inform multiple Federal agency efforts targeting maternal and infant and toddler nutrition through work in hospitals, with health care providers, with early care and education providers, and outreach to families and caregivers; and provide context to documents such as the *U.S. Dietary Guidelines for Americans*, which will include pregnant women and children birth to 24 months of age for the first time in 2020–2025.

CDC requests an Extension of an existing information collection designed to address current gaps in knowledge and strengthen programmatic efforts aimed at promoting optimal nutrition and health in children less than two

years of age. FMB&M–IFPS III will be a longitudinal study of pregnant women and their new baby for two years. Throughout the study planning period, CDC engaged with subject matter experts from multiple Federal agencies including the National Institutes of Health (NIH), the U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA) to ensure that FMB&M–IFPS III applies lessons learned from previous studies and represents the priorities and needs of numerous stakeholders. The new study design is based on updated

methodology and questions, and recruitment of a new cohort of study participants.

CDC will collect information about mother’s intentions, behaviors, feeding decisions, and practices from pregnancy through their child’s first two years of life and how these change; child health outcomes; and emerging issues related to infant and toddler feeding practices. Data will be collected using web-based surveys at multiple time points. This includes: (1) a prenatal survey; (2) 14 follow-up surveys after the baby is born; and (3) 2–4 maternal dietary data

recalls. CDC estimates that 7,477 pregnant women, ages 18–49, must be screened in order to obtain complete data on 2,500 study participants. The goal is to recruit equal proportions of non-Hispanic white, non-Hispanic black, and Hispanic participants. An OMB Extension is requested for one year. CDC requests OMB approval for an estimated 5,051 annualized burden hours. Participation is voluntary, and there are no costs to respondents other than their time.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Pregnant/Postpartum Women	Study Screener	2,492	1	3/60
	Study Consent	1,570	1	5/60
	Prenatal Survey	1,413	1	20/60
	24-Hour Dietary Recall—Prenatal	919	1	24/60
	Replicate 24-Hour Dietary Recall—Prenatal	90	1	24/60
	Request for notification of child’s birth	1,413	1	2/60
	Birth Screener	1,368	1	2/60
	1-Month Survey	1,231	1	20/60
	2-Month Survey	1,192	1	15/60
	3-Month Survey	1,153	1	15/60
	24-Hour Dietary Recall—Month 3	750	1	24/60
	Replicate 24-Hour Dietary Recall—Month 3 ..	73	1	24/60
	4-Month Survey	1,117	1	15/60
	5-Month Survey	1,081	1	15/60
	6-Month Survey	1,046	1	15/60
	8-Month Survey	1,013	1	15/60
	10-Month Survey	980	1	20/60
	12-Month Survey	949	1	15/60
	15-Month Survey	919	1	15/60
	18-Month Survey	889	1	15/60
21-Month Survey	861	1	15/60	
24-Month Survey	833	1	15/60	

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2023–22780 Filed 10–13–23; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–1316; Docket No. CDC–2023–0084]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of

its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *Aerosols from Harmful Algal Blooms: Exposures and Health Effects in Highly Exposed Populations*. The goal of this study is to conduct exploratory analyses of the relationships between HAB-related biomonitoring data, environmental data, and symptom reporting.

DATES: CDC must receive written comments on or before December 15, 2023.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2023–0084 by either of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to www.regulations.gov.

Please note: Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329;

Telephone: 404-639-7570; Email: *omb@cdc.gov*.

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. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;

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; and

5. Assess information collection costs.

Proposed Project

Aerosols from Harmful Algal Blooms: Exposures and Health Effects in Highly Exposed Populations (OMB Control No. 0920-1316, Exp. 1/31/2024)—Extension—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Human exposures to HAB toxins (harmful algal blooms, or HABS, include marine microalgae; marine macroalgae, such as seaweeds; and cyanobacteria, also called blue-green algae) have been reported to produce a variety of health effects, including respiratory irritation and liver and kidney damage. The goal of this study is to conduct exploratory analyses of the relationships between biomonitoring data, environmental data, and symptom

reporting. CDC anticipates this research to be hypothesis generating, and not necessarily generalizable to participants with similar exposures in the same population or to the public more generally.

HABs and associated environmental impacts (*e.g.*, geographic and temporal extent, composition, toxin production) are difficult, if not impossible to predict and track. This project was developed in response to community health concerns reported during a severe cyanobacterial bloom in 2018. Since then, there have not been any significant blooms, and CDC has been unable to implement the study. As such, during the first three years of approval for this data collection, CDC was unable to align the physical occurrence of a specific type of HAB, a cyanobacterial bloom, of significant magnitude with government approvals and resource commitments. The program requests an Extension of OMB approval to allow us to implement the study during the next substantial HAB that occurs in Florida whether it comprises cyanobacteria, marine microalgae, or seaweed.

The total number of respondents is 486, which is unchanged from the previously approved number of respondents. The total estimated annualized time burden is 1,273 hours. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Interested community members	Screening/baseline Survey	84	1	15/60	21
Eligible study respondents	Symptom Survey	67	10	15/60	167
Eligible study respondents	Record of Time Spent Outdoors	67	5	10/60	56
Eligible study respondents	Provide blood specimen	67	3	15/60	51
Eligible study respondents	Provide specimens (urine, nasal swabs, lung function test).	67	10	1	670
Eligible study respondents	Be outfitted with personal air sampler.	67	5	45/60	252
Eligible study respondents	Provide fish (if respondent went fishing and caught fish).	67	5	10/60	56
Total .....	.....	.....	.....	.....	1,273

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2023-22779 Filed 10-13-23; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–1359]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “National Survey of Syringe Services Programs (NSSSP)”, to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on May 4, 2023, to obtain comments from the public and affected agencies. CDC received no public comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) 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;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and
- (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570.

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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

The National Survey of Syringe Services Programs (NSSSP) (OMB Control No. 0920–1359, Exp. 12/31/2024)—Revision—National Center for HIV, Viral Hepatitis, STD, TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The primary purpose of the National Survey of Syringe Services Programs (NSSSP) is to strengthen and improve the ability of CDC and local and state partners to monitor and evaluate syringe services programs (SSPs) nationally, with the overall goal of supporting, sustaining, and improving SSPs nationwide and reducing infectious disease and other harms related to drug use. Findings from the 2020–2021 survey successfully characterized operational characteristics and services, funding resources, community relations, and key operational successes and challenges. The 2022 survey is currently being implemented. Revisions are being requested to address the increasing number of SSPs nationwide, the changing landscape of drug use nationally, additional SSP supplies and services provided, and ways in which SSPs are developing strategies to address the needs of people who use drugs (PWUD).

The project will include all SSPs that are listed in a publicly available directory of all known SSPs in the United States maintained by the North American Syringe Exchange Network (NASEN; <https://nasen.org>). The project will also include SSPs in NASEN’s directory that do not wish to be publicly listed but have agreed to be contacted

for research purposes, SSPs belonging to NASEN’s buyers’ club that are not part of the directory, respondents to prior RTI Arnold Ventures Surveys of SSPs that are not part of NASEN’s directory, and other SSPs proactively identified through searching state health department websites, funding agencies, state and regional networks, regional conferences, partner organization networks or webinars and via social media. SSPs will be sent a letter of invitation to participate in a 35-minute program survey. Participating programs will have the option of completing the survey via different modalities to enhance feasibility and comfort in completing the survey, for example via the Research Electronic Data Capture (REDCap) or a similarly secure web-based application. Other modalities for survey administration will include a coordinated telephone or videoconferencing interview. SSPs will be sent reminder letters for a six-month data collection period. SSPs that do not respond to prior reminders will be sent one final reminder, and if the SSP still does not want to participate, one (optional) question on why the SSP did not complete the survey will be offered.

The survey will include questions on operational characteristics and services, funding resources, community relations, and key operational successes and challenges. Approximately 1000 SSPs will be able to participate in the survey. CDC anticipates that 20% of SSPs will decline to complete the survey, yielding 800 completed surveys per year. However, given that it is challenging to predict future response rates, we are requesting enough burden hours to allow 100% of SSPs to respond to the survey. CDC estimates that it will take 35 minutes to complete the survey, regardless of how the respondent chooses to complete it (i.e., self-administered online or interviewer-administered by phone or videoconferencing). CDC estimates that it will take SSPs that do not respond to the initial survey invitation two minutes to respond to the additional question.

CDC requests OMB approval for an estimated 616 annual burden hours. There are no other costs to respondents other than their time.

Estimated Annualized Burden Hours

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
All participating SSPs	National Syringe Services Program Evaluation Survey.	1000	1	35/60

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Non-responding SSPs	Non-Response Survey Item	1000	1	2/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2023-22777 Filed 10-13-23; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10241 and CMS-10717]

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 November 15, 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:* Survey of Retail Prices; *Use:* This information collection request provides for a survey of the average acquisition costs of all covered outpatient drugs purchased by retail community pharmacies. CMS may contract with a vendor to conduct monthly surveys of retail prices for covered outpatient drugs. Such prices represent a nationwide average of consumer purchase prices, net of discounts and rebates. The contractor

shall provide notification when a drug product becomes generally available and that the contract includes such terms and conditions as the Secretary shall specify, including a requirement that the vendor monitor the marketplace. CMS has developed a National Average Drug Acquisition Cost (NADAC) for states to consider when developing reimbursement methodology. The NADAC is a pricing benchmark that is based on the national average costs that pharmacies pay to acquire Medicaid covered outpatient drugs. This pricing benchmark is based on drug acquisition costs collected directly from pharmacies through a nationwide survey process. This survey is conducted on a monthly basis to ensure that the NADAC reference file remains current and up-to-date. *Form Number:* CMS-10241 (OMB control number 0938-1041); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 72,000; *Total Annual Responses:* 72,000; *Total Annual Hours:* 36,000. (For policy questions regarding this collection contact: Robert Giles at 667-290-8626.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Part C and Part D Program Audit and Industry-Wide Part C Timeliness Monitoring Project (TMP) Protocols; *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR parts 422 and 423, Medicare Part D plan sponsors and Medicare Advantage organizations are required to comply with all Medicare Parts C and D program requirements. CMS’ annual audit plan ensures that we evaluate sponsoring organizations’ compliance with these requirements by conducting program audits that focus on high-risk areas that have the greatest potential for beneficiary harm. As such, CMS has developed the following audit protocols for use by sponsoring organizations to prepare for their audit:

- Compliance Program Effectiveness (CPE)
- Part D Formulary and Benefit Administration (FA)
- Part D Coverage Determinations, Appeals, and Grievances (CDAG)

- Part C Organization Determinations, Appeals, and Grievances (ODAG)
- Special Needs Plans Care Coordination (SNPCC)

CMS generally conducts program audits at the parent organization level in an effort to reduce burden and, for routine audits, subjects each sponsoring organization to all applicable program area protocols. For example, if a sponsoring organization does not offer a special needs plan, or an accrediting organization has deemed a special needs plan compliant with CMS regulations and standards, CMS would not apply the SNPCC protocol. Likewise, CMS would not apply the ODAG audit protocol to an organization that offers only a standalone prescription drug plan since that organization does not offer the MA benefit. Conversely, ad hoc audits resulting from referral may be limited in scope and, therefore, all program area protocols may not be applied.

The information gathered during this program audit will be used by the Medicare Parts C and D Oversight and Enforcement Group (MOEG) within the Center for Medicare (CM) and CMS Regional Offices to assess sponsoring organizations' compliance with Medicare program requirements. If outliers or other data anomalies are detected, Regional Offices will work in collaboration with MOEG and other divisions within CMS for follow-up and resolution. Additionally, MA and Part D organizations will receive the audit results and will be required to implement corrective action to correct any identified deficiencies. *Form Number:* CMS-10717 (OMB control number: 0938-1395); *Frequency:* Yearly; *Affected Public:* Private Sector, State, Local, or Tribal Governments, Federal Government, Business or other for-profits, Not-for-Profit Institutions; *Number of Respondents:* 182; *Total Annual Responses:* 182; *Total Annual Hours:* 36,444. (For policy questions regarding this collection contact Matthew Guerand, at 303-844-7120.)

Dated: October 11, 2023.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2023-22791 Filed 10-13-23; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Fiscal Year 2023 Health Center Program COVID-19 HHS Bridge Access Program Funding Awards

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of funding awards.

SUMMARY: In support of the HHS Bridge Access Program for COVID-19 Vaccines and Treatments, HRSA provided more than \$81 million in one-time funding to all current Health Center Program operational (H80) award recipients and to health center look-alikes that previously received American Rescue Plan funding (L2C awards).

FOR FURTHER INFORMATION CONTACT: Olivia Shockey, Expansion Division Director, HRSA, at oshockey@hrsa.gov and (301) 594-4300.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: The total amount of funding, number of awards, and award recipients can be found here: <https://bphc.hrsa.gov/funding/coronavirus-related-funding/covid-19-bridge-funding/fy-2023-awards>.

Project Period: September 1, 2023—December 31, 2024.

CFDA Number: 93.527.

Authority: Section 2401 of the American Rescue Plan Act of 2021, Public Law 117-2.

Justification: The end of the declared COVID-19 Public Health Emergency and associated transition to commercial access to vaccines and therapeutics impacts the capacity of health centers to maintain essential COVID-19 related services for their patients, including but not limited to health center patients who lack health insurance. Health centers will use one-time Bridge funding to support uninsured and underinsured patients and residents of their communities with needs such as COVID-19 vaccination and therapeutics, enabling/patient support services (such as outreach, education, enrollment assistance, transportation, translation, and care coordination) to support COVID-19 related services; community COVID-19 vaccination events; and, supplies and personnel who support COVID-19 related services and care delivery, including personnel costs necessary to develop, support, or expand collaborations, including collaborations with state/jurisdiction immunization programs. Recipients will

submit data on program activities through the HRSA Health Center COVID-19 survey as required, as well as periodic progress reports.

Carole Johnson,

Administrator.

[FR Doc. 2023-22751 Filed 10-13-23; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias (ADRD) on people with the disease and their caregivers. During the meeting on October 30, 2023, the Advisory Council will welcome a new cohort of members and hear updates from federal agencies on key activities over the last quarter. A panel will present information on interventions to reduce the risk of developing dementia.

DATES: The meeting will be held virtually on October 30 from 12 p.m. to 4:30 p.m. EDT.

ADDRESSES: The meeting will be virtual. It will stream live at www.hhs.gov/live.

Comments: Time is allocated on the agenda to hear public comments from 4 p.m. to 4:30 p.m. The time for oral comments will be limited to two (2) minutes per individual. In order to provide a public comment, please register by emailing your name to napa@hhs.gov by Thursday, October 26. Registered commenters will receive both a dial-in number and a link to join the meeting virtually; individuals will have the choice to either join virtually via the link, or to call in only by using the dial-in number. Note: There may be a 30-45 second delay in the livestream video presentation of the conference. For this reason, if you have pre-registered to submit a public comment, it is important to connect to the meeting by 3:45 p.m. to ensure that you do not miss your name and allotted time when called. If you miss your name and allotted time to speak, you may not be able to make your public comment. All participant audio lines will be muted for the duration of the meeting and only unmuted by the Host at the time of the

participant's public comment. Should you have questions during the session email napa@hhs.gov and someone will respond to your message as quickly as possible.

In order to ensure accuracy, please submit a written copy of oral comments for the record by emailing napa@hhs.gov by Wednesday, November 1, 2023. These comments will be shared on the website and reflected in the meeting minutes.

In lieu of oral comments, formal written comments may be submitted for the record by Wednesday, November 1, 2023 to Helen Lamont, Ph.D., OASPE, 200 Independence Avenue SW, Room 424E, Washington, DC 20201.

Comments may also be sent to napa@hhs.gov. Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT:

Helen Lamont, 202-260-6075, helen.lamont@hhs.gov. Note: The meeting will be available to the public live at www.hhs.gov/live.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. app. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: dementia, risk reduction, Alzheimer's disease.

Procedure and Agenda: The meeting will be webcast at www.hhs.gov/live and video recordings will be added to the National Alzheimer's Project Act website when available, after the meeting.

Authority: 42 U.S.C. 11225; section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92-463, as amended (5 U.S.C. appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: September 22, 2023.

Miranda Lynch-Smith,

Senior Official Performing the Duties of the Assistant Secretary for Planning and Evaluation, Deputy Assistant Secretary for Health Policy.

[FR Doc. 2023-22752 Filed 10-13-23; 8:45 am]

BILLING CODE 4150-05-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of meeting (virtual); notice of request for information (RFI).

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting and related Request for Information (RFI). This meeting is open to the public. The public is welcome to obtain the link to attend this meeting by following the instructions posted on the Committee website: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-15>. To submit comments in response to the RFI, please send by close of business January 12, 2024, to NCVHSmail@cdc.gov, and include on the subject line: Response from [your organization and/or name] regarding ICD-11 RFI.

Name: National Committee on Vital and Health Statistics (NCVHS) Meeting.

DATES:

Wednesday, November 29, 2023: 10 a.m.–5 p.m. ET.

Thursday, November 30, 2023: 10 a.m.–4:30 p.m. ET.

ADDRESSES: Virtual open meeting.

FOR FURTHER INFORMATION CONTACT:

Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to vgh4@cdc.gov; or by telephone (301) 458-4715. Summaries of meetings and a roster of Committee members are available on the NCVHS website <https://ncvhs.hhs.gov/> where further information including an agenda and instructions to access the broadcast of the meeting will be posted.

Should you require reasonable accommodation, please telephone the CDC Office of Equal Employment Opportunity at (770) 488-3210 as soon as possible.

SUPPLEMENTARY INFORMATION:

Name: National Committee on Vital and Health Statistics (NCVHS). Full Committee Meeting. The National Committee on Vital and Health Statistics was established by Congress to serve as the statutory [42 U.S.C. 242k(k)] advisory body to the Secretary of Health and Human Services for health data, statistics, privacy, and national health information policy. In addition, under the Health Insurance Portability and Accountability Act of 1996 (HIPAA),¹ NCVHS advises the Secretary on administrative simplification standards, including those for privacy, security, adoption and implementation of

transaction standards, unique identifiers, code sets, and operating rules adopted under the Patient Protection and Affordable Care Act (ACA)² and HIPAA. In that capacity, the Committee provides advice and assistance to the Department and serves as a forum for interaction with interested private sector groups on health data issues. It fulfills important review and advisory functions regarding health data and administrative standards of national and international scope, conducts studies of prevailing current topics, and makes recommendations for improvement of the Nation's health statistics and information systems.

Purpose: The meeting agenda will include briefings from HHS officials, time for members to discuss and consider current and proposed activities outlined in the NCVHS 2023–24 workplan, and hold discussions on several health data policy topics, including health care standards development and cybersecurity.

The Subcommittee on Standards plans to hold a panel discussion on the approach used by Standards Development Organizations (SDOs) to evaluate and assess the readiness of new and updated standards prior to release for national implementation. This includes discussion on potential risks and impacts across existing standards, calculation of business cost recovery, and planning for the anticipated ICD-11 implementation timeline and expected milestones. Additional briefings on related topics such as HIPAA enforcement also may be included on the agenda.

The NCVHS Workgroup on Timely and Strategic Action to Inform ICD-11 Policy will report to the full Committee on recent activities, including information learned from the ICD-11 Expert Roundtable meeting held August 3, 2023, and its anticipated workplan in the upcoming 6–12 month period.

The Subcommittee on Privacy, Confidentiality, and Security will facilitate a discussion on proposed recommendations to HHS to strengthen the HIPAA Security Rule following recent Committee briefings on the topic. Finally, the Committee will allot time to discuss draft language for the Committee's 2023 Report to Congress.

The Committee will also reserve time on the agenda for public comment. Meeting times and topics are subject to change. Please refer to the agenda posted on the NCVHS website for

¹Public Law 104-191, 110 Stat. 1936 (Aug 21, 1996), available at <https://www.congress.gov/104/plaws/pub191/PLAW-104pub191.pdf>.

²Public Law 111-148, 124 Stat. 119, available at <https://www.congress.gov/111/plaws/pub148/PLAW-111pub148.pdf>.

updates: <https://ncvhs.hhs.gov/meetings/full-committee-meeting-15>.

Background on ICD-11: The International Classification of Diseases (ICD) is the global standard for health data, clinical documentation, and statistical aggregation. It provides a common language for recording, reporting, and monitoring diseases, allowing the world to compare and share data in a consistent and standard way—among hospitals, regions, and countries, and over periods of time. It facilitates the collection and storage of data for analysis and evidence-based decision-making by enabling systematic recording, reporting, analysis, interpretation, and comparison of mortality and morbidity data.

ICD-11 allows countries to count and identify their most pressing health issues using an up-to-date and clinically relevant classification system.^{3 4 5 6} Governments assign ICD-11 codes to health conditions and accidents so data can be used to design effective public health policies and measure their impacts, or so that clinicians can use the data for recording encounters with patients in a standard way.

Request for Information: This Notice also serves as a Request for Information (RFI) addressing the potential use of ICD-11 for morbidity coding in the U.S. We welcome responses from industry stakeholders, interested individuals and organizations, or any members of the public. The following questions are a guide to information the Workgroup would find particularly helpful, though respondents are invited to comment on any aspect of ICD-11 that they wish.

1. Related to ICD-11 content and addressing U.S.-specific needs, which enhancements in classification content would be most useful?
 - a. Coding to assess and address population health equity, social, behavioral, and community health
 - b. Coding to measure health care quality and patient safety
 - c. Coding for rare diseases
 - d. Content on other topics?
2. What is the potential to reduce burdens

³ ICD-11 Overview: Key Facts, History, and References (September 2023): <https://ncvhs.hhs.gov/NCVHS-WG-ICD-11-Overview-September-2023>.

⁴ ICD-11 was adopted at the World Health Assembly in May 2019 and Member States committed to start using it for mortality and morbidity reporting in 2022. Since 2019, early adopter countries, translators, and scientific groups have recommended further refinements to produce the version that is posted online today. World Health Organization (WHO) Press Release. (February 11, 2022): <https://paho.org/en/news/11-2-2022-whos-new-international-classification-diseases-icd-11-comes-effect>.

⁵ WHO ICD-11 website: <https://icd.who.int/en>.

⁶ WHO ICD-11 Fact Sheet: https://icd.who.int/en/docs/icd11factsheet_en.pdf.

- and improve quality/accuracy through the greater automation offered by the ICD-11 online classification systems?
- a. How might automation reduce burdens of clinical documentation and coding for reimbursement, risk adjustment, clinical registry, and public health reporting?
 - b. What might be the role of artificial intelligence for your organization?
 - c. What might be the role of standardized cross-maps to other coding systems?
 - d. What other potential features could promote burden reduction?
3. What standards, systems, workforce, and processes must change to accommodate ICD-11?
 - a. How would your organization assess the cost and impact of these changes?
 - b. How might technical changes such as clustered (post-coordinated) coding be implemented in your environment?
 - c. What other changes are related?
 4. What are the most important considerations and requirements for a U.S. governing body for ICD-11?
 - a. Developing and managing implementation plans and programs for ICD-11 in the U.S.
 - b. Developing regulations or guidance for ICD-11 applicable to your organization.
 - c. Ongoing management and maintenance of U.S. ICD-11 and its use.
 - d. Other requirements not named above?
 5. What financial, educational, or human resources will be needed for:
 - a. Implementing ICD-11 in your organization.
 - b. Managing and maintaining U.S. ICD-11 in your organization.
 - c. Meeting the needs of smaller, less resourced, or less externally supported entities.
 - d. What other resources not listed here may be needed?

The Committee will compile submitted responses and consider them together with responses submitted in response to the initial ICD-11 RFI [<https://ncvhs.hhs.gov/wp-content/uploads/2023/07/RFI-Responses-NCVHS-Workgroup-on-Timely-and-Strategic-Action-to-Inform-ICD-11-Policy.pdf>] together with input from subject matter experts during the August 3, 2023, ICD-11 Expert Roundtable meeting [<https://ncvhs.hhs.gov/meetings/icd-11-workgroup-meeting/>]. To submit comments in response to the RFI, please send by January 12, 2024, to NCVHSmail@cdc.gov and include on the subject line: Response from [your organization or name] regarding ICD-11 RFI.

Sharon Arnold,

Associate Deputy Assistant Secretary, Office of Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2023-22753 Filed 10-13-23; 8:45 am]

BILLING CODE 4150-05-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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodegenerative Disorders and Aging.

Date: November 7, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, 301-827-4446, bellingerjd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Genes, Genomes and Genetics.

Date: November 8-9, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Linda Wagner Jurata, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496-8032, linda.jurata@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrumentation.

Date: November 8-9, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Steven Anthony Ripp, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3010, steven.ripp@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Alzheimer's Disease and its Related Dementias.

Date: November 8–9, 2023.

Time: 9:30 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: Mariam Zaka, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435–1042, zakam2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Motor System, Pain, and Olfaction.

Date: November 8, 2023.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, kgt@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis–Chronic Fatigue Syndrome.

Date: November 8, 2023.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Roger Janz, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–8515, janzr2@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: October 11, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–22770 Filed 10–13–23; 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: Center for Scientific Review Special Emphasis Panel; AREA/REAP: Musculoskeletal, Oral, and Skin Sciences.

Date: November 7, 2023.

Time: 9:00 a.m. to 3:00 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: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, (301) 496–8551, ingrahamrh@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

Date: November 7–8, 2023.

Time: 1:30 p.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, (301) 496–8551, ingrahamrh@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Chemistry, Biochemistry and Biophysics.

Date: November 8–9, 2023.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–2381, dennis.pantazatos@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodevelopment and Plasticity.

Date: November 9, 2023.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Vanessa S. Boyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4185, MSC 7850, Bethesda, MD 20892, (301) 402–3726, boycevs@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Enhancement Awards: Molecular Genetics, Cellular & Cancer Biology.

Date: November 13, 2023.

Time: 1:00 p.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: Brian Paul Chadwick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3586, chadwickbp@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Psychopathology.

Date: November 13, 2023.

Time: 12:00 p.m. to 5:00 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: Stephanie Christine Nagle Emmens, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6604, nagleemmenssc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: November 14, 2023.

Time: 1:00 p.m. to 5:00 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 Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, gubina@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neurodegenerative and Neurological Disorders.

Date: November 16–17, 2023.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Kathryn Partlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1016D,

Bethesda, MD 20892, (301) 594–2138, partlowkc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery Involving the Nervous System.

Date: November 16–17, 2023.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 827–8106, leungl2@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: October 11, 2023.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2023–22769 Filed 10–13–23; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Request for Information; Potential Changes to its Evidence-Based Practices Resource Center; Notice of Correction

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Substance Abuse and Mental Health Services Administration published a document in the **Federal Register** of September 7, 2023, announcing a Notice of request for information (RFI). The document contained incorrect date in the **DATES** section.

FOR FURTHER INFORMATION CONTACT: Carter A Roeber, Telephone number (240) 276–1488, Email: Carter.Roeber@samhsa.hhs.gov, or EBPRC@samhsa.hhs.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 7, 2023, in FR Doc. 2023–19272, on pages 61608 and 61609, in the second column, correct the **DATES** caption to read:

Comments or feedback on this notice must be received by end of business day, November 7, 2023.

Dated: October 11, 2023.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2023–22792 Filed 10–13–23; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Extension and Expansion of Declaration Zone Test

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: General notice.

SUMMARY: On August 30, 2021, U.S. Customs and Border Protection (CBP) announced in the **Federal Register** that CBP would conduct a Declaration Zone test at cruise terminal facilities at participating sea ports of entry (POEs) that would run for approximately two years. This document announces that CBP is extending the test period for an additional two years. In addition to the extension, this document announces that CBP intends to expand the Declaration Zone test to up to eighteen additional sea POEs, as well as to travelers being processed in Simplified Arrival for open loop cruises. The Declaration Zone test allows for streamlined processing by allowing a demonstrative initial declaration for arriving travelers in lieu of an oral or written declaration of all articles brought into the United States to a CBP officer as required by current CBP regulations.

DATES: CBP is extending the Declaration Zone test at cruise terminal facilities at participating sea POEs until October 16, 2025. CBP is expanding the Declaration Zone test to eligible open loop cruises no sooner than October 1, 2023. The expansion date may vary at each location.

ADDRESSES: Written comments concerning program, policy, and technical issues may be submitted at any time during the test period via email to BiometricSea@cbp.dhs.gov. Please use “Comment on Declaration Zone Test” in the subject line of the email.

FOR FURTHER INFORMATION CONTACT:

Maria Rivera, Program Manager, Biometric Entry-Exit Strategic Transformation, Office of Field Operations, maria.c.rivera@cbp.dhs.gov or (202) 325–4596.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 2021, U.S. Customs and Border Protection (CBP) announced in the **Federal Register** (86 FR 48436) that CBP would conduct a Declaration Zone test at cruise terminal facilities at participating sea ports of entry (POEs). The notice describes the Declaration Zone test, while setting forth requirements for participating in the test, the duration of the test, and how CBP will evaluate the test. The notice also invites public comment on any aspect of the test. In brief, the Declaration Zone test fulfills the declaration requirement under CBP regulations, while also allowing for streamlined processing. Current CBP regulations require each traveler to provide an oral or written declaration of all articles brought into the United States to a CBP officer. *See* 19 CFR part 148, subpart B. The Declaration Zone test provides arriving travelers with an alternative method to meet this requirement by allowing a demonstrative initial declaration through the use of declaration zones at cruise terminal facilities at select sea POEs.

Description and Procedures

The 2021 notice provides the description and procedures for the Declaration Zone test. 86 FR 48437. Within a cruise terminal facility participating in the Declaration Zone test, two distinct customs declaration zone queues are established for entering the egress area: one for *No Items to Declare* and another for *Items to Declare*. Signage is posted to clearly label the queues at the entrance to the egress area after travelers collect their luggage. The physical act of selecting the *No Items to Declare* queue or the *Items to Declare* queue in and of itself constitutes an initial demonstrative declaration. CBP officers conduct roving enforcement operations within the baggage collection and egress area to ensure traveler compliance.

No Items To Declare Queue

Travelers who determine they have nothing to declare enter the *No Items to Declare* queue and proceed through the egress area to the facility exit. CBP officers conduct roving operations in the *No Items to Declare* zone to affirm traveler compliance, receive oral declarations, and make referrals to secondary inspection as necessary. Travelers who are not questioned by CBP officers conducting roving operations may proceed to the exit.

Items To Declare Queue

Travelers with items to declare enter the *Items to Declare* queue and present before a CBP officer to make an oral declaration. The CBP officer makes a determination if duty is owed by the traveler or if additional inspection is warranted. The CBP officer then directs the traveler accordingly.

Referral to Secondary Inspection

If a traveler is referred to secondary inspection at any point, CBP officers will follow standard procedures, including collecting an oral and/or written declaration during the referral and inspection. CBP officers will also follow current agency policy on declaration amendment opportunities.

Test Period and Participants

As indicated in the 2021 notice, the Declaration Zone test was set to begin no earlier than September 27, 2021, and run for approximately two years, initially at two sea POEs, Miami, Florida, and Bayonne, New Jersey. 86 FR 48436–7. The 2021 notice stated that the start date may vary at each location in accordance with the resumption of passenger operations suspended due to the COVID–19 pandemic. 86 FR 48437. Also, as indicated in the 2021 notice, the test is currently restricted to closed loop cruises participating in the voluntary facial biometric debarkation (FBD) program. 86 FR 48437.

Extension of the Declaration Zone Test Period and Expansion of the Declaration Zone Test

Extension of the Test Period

Based on limited cruise line operations and the suspension of passenger operations due to the COVID–19 pandemic, CBP was not able to implement the Declaration Zone test until May 2022 in Bayonne and July 2022 in Miami. Due to this postponement, CBP is extending the Declaration Zone test for an additional two years until October 16, 2025, to properly assess and evaluate the impact of the new form of declaration.

Expansion of the Test

Additional Sea POEs

In addition to the extension of the test period, to better evaluate the Declaration Zone test, CBP also intends to expand the Declaration Zone test to cruise terminal facilities at up to eighteen additional sea POE locations. CBP will only expand the Declaration Zone test to cruise terminal facilities at sea POEs with the sufficient space and infrastructure to accommodate queuing for processing through a Declaration

Zone. CBP Headquarters will communicate with each Field Office and POE with cruise terminal facilities meeting these criteria and advise of the option to have a Declaration Zone test at their respective terminal(s). As provided in the 2021 notice, once a new location is identified, CBP will announce the expansion on the public facing CBP website, <https://www.cbp.gov>, notifying the traveling public of the implementation of demonstrative declarations upon arrival into the United States at that particular sea POE. 86 FR 48437.

Eligible Open Loop Cruises

Additionally, CBP is expanding the Declaration Zone test to travelers being processed in Simplified Arrival for open loop cruises. When the Declaration Zone test was initially announced in 2021, it was limited to passengers on closed loop cruises processed in FBD. FBD is the facial biometric solution for processing arriving cruise passengers on closed loop cruises, whereas Simplified Arrival is an equivalent facial biometric solution for processing arriving cruise passengers on open loop cruises.¹ The test will no longer be restricted to closed loop cruises and will expand to open loop cruises participating in Simplified Arrival no sooner than October 1, 2023. The expansion date may vary at each location.

Authorization for the Test

The test described in the 2021 notice² and extended and expanded by this notice is authorized pursuant to 19 CFR 101.9(a), which allows the Commissioner of CBP to impose requirements different from those specified in the CBP Regulations for purposes of conducting a test program or procedure designed to evaluate the effectiveness of new operational procedures regarding the processing of passengers. This test is authorized pursuant to this regulation as it is designed to evaluate whether allowing a demonstrative initial declaration is a feasible way to fulfill the declaration requirement and allow for streamlined processing.

Waiver of Certain Regulatory Requirements

CBP regulations require each traveler to provide an oral or written declaration

¹ Simplified Arrival is an enhanced international arrival process that uses facial biometrics to automate the manual document checks that are already required for admission into the United States. More information on CBP's use of facial biometrics to secure and streamline travel can be found at <https://www.cbp.gov/travel/biometrics>.

² 86 FR 48437.

of all articles brought into the United States to a CBP officer. See 19 CFR 148.12 and 148.13. The test described in the 2021 notice³ and extended and expanded by this notice provides arriving travelers with an alternative method to meet this requirement by allowing a demonstrative initial declaration. All other requirements of 19 CFR part 148, subpart B, regarding declarations, including those provided by 19 CFR 148.18, regarding failure to declare, and 19 CFR 148.19, regarding false or fraudulent statements, still apply.

Dated: October 10, 2023.

Diane J. Sabatino,

Acting Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection.

[FR Doc. 2023–22714 Filed 10–13–23; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Application for T Nonimmigrant Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until November 15, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS–2006–0059.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy,

³ 86 FR 48437.

Regulatory Coordination Division, Samantha Deshommnes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on July 27, 2023, at 88 FR 48488, allowing for a 60-day public comment period. USCIS did receive two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2006-0059 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-914; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Federal Government; or State, local or Tribal Government. The information on all three parts of the form will be used to determine whether applicants meet the eligibility requirements for benefits. This application incorporates information pertinent to eligibility under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106-386, and a request for employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-914 is 3,432 and the estimated hour burden per response is 2.63 hours. The estimated total number of respondents for the information collection I-914A is 1,720 and the estimated hour burden per response is 1.083 hours. The estimated total number of respondents for the information collection I-914B is 2402 and the estimated hour burden per response is 3.83 hours. The estimated total number of respondents for the information collection of biometrics is 5,152 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 21,517 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$5,905,400.

Dated: October 10, 2023.

Samantha L. Deshommnes,
Chief, Regulatory Coordination Division,
Office of Policy and Strategy, U.S. Citizenship
and Immigration Services, Department of
Homeland Security.

[FR Doc. 2023-22712 Filed 10-13-23; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0069]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application by Refugee for Waiver of Inadmissibility Grounds

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted November 15, 2023.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2006-0042. All submissions received must include the OMB Control Number 1615-0069 in the body of the letter, the agency name and Docket ID USCIS-2006-0042.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommnes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the

USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on July 27, 2023, at 88 FR 48487, allowing for a 60-day public comment period. USCIS did receive one unrelated comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and enter USCIS-2006-0042 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application by Refugee for Waiver of Inadmissibility Grounds.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I-602; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. The data collected on Form I-602, Application by Refugee for Waiver of Inadmissibility Grounds, will be used by USCIS to determine eligibility for waivers, and to report to Congress the reasons for granting waivers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I-602 is 479 and the estimated hour burden per response is 7.866 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,768 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$61,671.

Dated: October 10, 2023.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2023-22711 Filed 10-13-23; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7070-N-70]

30-Day Notice of Proposed Information Collection: Allocation of Operating Fund Grant Under the Operating Fund Formula: Data Collection

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:* November 15, 2023.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Clearance Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410-5000; email: PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 30, 2023 at 88 FR 34514.

A. Overview of Information Collection

Title of Information Collection: Allocation of Operating Funds under the Operating Fund Formula: Data Collection.

OMB Approval Number: 2577-0029.

Type of Request: Extension of currently approved collections.

Form Number: HUD-52722, HUD-52723, and HUD-52719.

Description of the need for the information and proposed use: Public

Housing Agencies (PHAs) use this information in budget submissions which are reviewed and approved by HUD field offices as the basis for obligating the operating fund grant. This information is necessary to calculate the eligibility for the operating fund grant under the Operating Funding Program regulations, as amended. The Operating Fund is designed to provide the amount of operating funds needed for well-managed PHAs. PHAs submit the information electronically with these forms.

HUD collects information for the HUD-52723 and HUD-52722 through web-based forms in the Operating Fund Web Portal. HUD discontinued using VBA enhanced Excel tools to collect this data after CY 2022. Web-based forms improve the availability of the forms to PHAs, improve data integrity, and secure transfer of the data from the PHA to HUD. Web-based forms should not increase the burden to complete.

HUD executed the collection of the HUD-52719: Small Rural Frozen Rolling Base (SRFRB) Election and Revision

form to implement Section 209(b) of the Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law 115-174. SRFRB allows eligible small and rural PHAs to freeze a utility's three-year rolling base consumption that is used to calculate Operating Fund grants from one to twenty years. With this form PHAs elect to participate, select the utility, calculate rolling base consumption, and select the term.

TOTAL ESTIMATED BURDENS

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD-52723	6,200	1	0.33	2,046	2,046	\$37.66	\$98,067
HUD-52722	6,200	1	0.42	2,604	2,604	37.66	77,052
HUD-52719	30	1	1	1	30	37.66	1,130
Total				4,650			176,249

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.

Colette Pollard,

Department Reports Management Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2023-22756 Filed 10-13-23; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-DTS#-36767; 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 October 7, 2023, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by October 31, 2023.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email, you may send them via U.S. Postal Service and all

other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov*, 202-913-3763.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before October 7, 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.

ALABAMA**Baldwin County**

Jenkins Farm and House (Boundary Increase),
29040 Jenkins Farm Rd., Loxley,
BC100009548

Lowndes County

Campsite 2: Rosie Steele Property, 5892–5876
Highway 80 W, White Hall vicinity,
SG100009549

Morgan County

Simpson's Florist, 902 6th Avenue SE,
Decatur, SG100009550

KANSAS**Douglas County**

Lone Star Lake Civilian Conservation Corps
(CCC) Camp, (New Deal-Era Resources of
Kansas MPS), 660 E 665 Road, Lawrence
vicinity, MP100009545

WEST VIRGINIA**Morgan County**

Paw Paw Old Mayor's Office and Jail, 93 Lee
Street, Paw Paw, SG100009542

Randolph County

Davis & Elkins College Historic District
Portions of Campus Drive, Harpertown Road,
Graceland Drive, Allen Street & Residential
Drive, and College Drive, Elkins,
SG100009540

Wayne County

Stark, Henry and Julia Hoard, House, 359 B
Street, Ceredo, SG100009543

Wood County

Downtown Parkersburg Historic District,
Portions of Juliana, Market, Avery, and
Second through Eighth Streets and
Williams Court Alley and Phillips Court
Alley, Parkersburg, SG100009541

WISCONSIN**Dane County**

Willard and Fern Tompkins House, 110
Henuah Circle, Monona, SG100009539

A request for removal has been made
for the following resource(s):

NORTH DAKOTA**Golden Valley County**

Sentinel Butte Public School, Byron St.,
Sentinel Butte, OT82001313

Additional documentation has been
received for the following resource(s):

ILLINOIS**Kane County**

Aurora Broadway Historic District
(Additional Documentation), Roughly
bounded by the Fox R., East New York St.,
the Burlington Northern & Santa Fe
Railroad tracks, and East Benton St.,
Aurora, AD100008483

MISSISSIPPI**Panola County**

Como Commercial Historic District, (Johnson,
Andrew, Architecture in North Mississippi

TR), Roughly bounded by Elder Frank
Ward St. on the W and N Main St. on the
E. On the N bounded by Church Ave.,
Como, AD08000675

Authority: Section 60.13 of 36 CFR
part 60.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2023–22771 Filed 10–13–23; 8:45 am]

BILLING CODE 4312–52–P

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 337–TA–1363]

**Certain Lidar (Light Detection and
Ranging) Systems and Components
Thereof; Notice of Commission
Determination To Review and, on
Review, To Affirm With Modification an
Initial Determination Terminating the
Investigation in Its Entirety Based on
an Arbitration Agreement; Termination
of Investigation**

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that
the U.S. International Trade
Commission has determined to review
and, on review, to affirm with
modification an initial determination
("ID") (Order No. 10) of the presiding
administrative law judge ("ALJ")
granting a motion to terminate the
investigation in its entirety based upon
an arbitration agreement. The
investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Namo Kim, Esq., Office of the General
Counsel, U.S. International Trade
Commission, 500 E Street SW,
Washington, DC 20436, telephone (202)
205–3459. Copies of non-confidential
documents filed in connection with this
investigation may be viewed on the
Commission's electronic docket (EDIS)
at <https://edis.usitc.gov>. For help
accessing EDIS, please email
EDIS3Help@usitc.gov. General
information concerning the Commission
may also be obtained by accessing its
internet server at <https://www.usitc.gov>.
Hearing-impaired persons are advised
that information on this matter can be
obtained by contacting the
Commission's TDD terminal on (202)
205–1810.

SUPPLEMENTARY INFORMATION: On May
17, 2023, the Commission instituted this
investigation under section 337 of the
Tariff Act of 1930, as amended, 19
U.S.C. 1337 ("section 337"), based on a

complaint filed by Ouster, Inc. of San
Francisco, CA ("Ouster"). *See* 88 FR
31519–20 (May 17, 2023). The
complaint alleges violations of section
337 based upon the importation into the
United States, the sale for importation,
and the sale within the United States
after importation of certain LiDAR
(Light Detection and Ranging) systems
and components thereof by reason of the
infringement of certain claims of U.S.
Patent Nos. 11,175,405; 11,178,381;
11,190,750; 11,287,515; and 11,422,236.
Id. The notice of investigation names as
respondents Hesai Group of Shanghai,
China; Hesai Technology Co., Ltd. of
Shanghai, China; and Hesai Inc. of Palo
Alto, CA (collectively, "Hesai"). *Id.* The
Office of Unfair Import Investigations
("OUII") is also participating in this
investigation. *Id.*

On June 22, 2023, Hesai filed a
motion to terminate or alternatively stay
the investigation in its entirety based
upon an arbitration provision in a 2020
Litigation Settlement and Patent Cross-
License Agreement ("Settlement
Agreement") between Hesai Photonics
Technology Co. Ltd. ("Hesai Photonics,"
a subsidiary of respondent Hesai Group)
and Velodyne Lidar, Inc. ("Velodyne,"
now merged with Ouster). On July 7,
2023, Ouster filed an opposition to the
motion and OUII filed a response in
support of the motion. On July 12, 2023,
a case management conference was held
to give each of the parties an
opportunity to discuss the motion to
terminate or stay.

On July 17, 2023, Ouster filed a
supplemental brief. On July 18, 2023,
OUII filed a sur-reply to Ouster's
opposition. On July 20, 2023, Hesai filed
a sur-reply to Ouster's opposition.

On August 24, 2023, the ALJ issued
the subject ID (Order No. 10) pursuant
to Commission Rule 210.21(d), 19 CFR
210.21(d), granting the motion to
terminate the investigation in its
entirety under 19 U.S.C. 1337(c) because
of an arbitration agreement. In
particular, the ID finds that (1) "a valid
arbitration agreement at ¶ 9.5 exists as
part of the Settlement Agreement that
binds Ouster and Hesai," (2) "the
arbitrability of the dispute between
Ouster and Hesai . . . rests with
[Judicial Arbitration and Mediation
Services, Inc.], London," and (3) "Hesai
did not waive its right to arbitrate as
Ouster argues." *See* ID at 4.

On August 31, 2023, Ouster filed a
petition for review of the ID with the
Commission. On September 8, 2023,
Hesai and OUII filed their responses to
Ouster's petition.

On September 12, 2023, Ouster filed
a notice of recent developments
explaining that, on September 5, 2023,

Hesai filed petitions for *inter partes* review before the Patent Trial and Appeal Board with respect to two of the patents at issue in this investigation. On September 14, 2023, Hesai and OUII filed their responses to Ouster's notice of recent developments.

The Commission has determined to review and, on review, to affirm the subject ID with modification. In particular, the Commission strikes the "wholly groundless" legal standard discussion and analysis at pages 11–12 and 16 of the subject ID, including the following statements: (1) "[T]he ALJ then must make a secondary inquiry to determine whether the assertion of arbitrability is 'wholly groundless.' If it is determined that the assertion of arbitrability is not 'wholly groundless.'" ID at 11. (2) "Therefore, Hesai's claim for arbitration is not 'wholly groundless.'" ID at 11–12. (3) "In other words, the demand for arbitration is 'not wholly groundless.'" ID at 16. The Supreme Court previously overruled the "wholly groundless" exception, holding that "[w]hen the parties' contract delegates the arbitrability question to an arbitrator, a court may not override the contract . . . even if the court thinks that the argument that the arbitration agreement applies to a particular dispute is wholly groundless . . . In sum, we reject the 'wholly groundless' exception." *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 139 S. Ct. 524, 529–31 (2019).

The Commission also addresses a typographical error at page 10 of the subject ID by modifying "See *id.* at ¶ 9.5" to state "See *id.* at ¶ 9.4." This is a citation for the sentence in the subject ID that states "[t]he Choice of Law for purposes of construing the Settlement Agreement is designated as California law," and Section 9.4 of the Settlement Agreement on "Governing Law" is the section that determines the choice of law for the Settlement Agreement.

With regard to Ouster's notice of recent developments, the Commission finds that, under the facts of this investigation, Hesai's separately filed *inter partes* review petitions do not prevent the Commission from determining that the investigation must be terminated in favor of arbitration. The Commission also notes that the Settlement Agreement provides that "either Party shall have the right to challenge the validity and enforceability of any Patent in defense to a suit or assertion of a claim relating to any such Patent that is brought against a Party or alleging infringement by a Licensee Product or a Velodyne Product." Settlement Agreement section 3.4 ("Contesting Validity").

The investigation is terminated. The Commission vote for this determination took place on October 10, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 11, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–22754 Filed 10–13–23; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

On October 10, 2023, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nebraska in the lawsuit entitled *United States of America v. Dravo Corp., et al.*, Civ. No. 8:01–cv–00500–JFB–TBT (D. Neb.).

The proposed consent decree resolves claims against Desco Corporation pursuant to section 107(a) CERCLA for response costs incurred and to be incurred by EPA for Operable Unit 01 of the Hastings Groundwater Contamination Superfund Site and requires the Defendant to make a payment of \$131,067 to EPA.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Dravo Corp., et al.*, D.J. Ref. No. 90–11–2–1260/10. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined

and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$3.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2023–22775 Filed 10–13–23; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Members to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of the individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to serve on the Department's Performance Review Board:

Permanent Membership

Chair—Nikki McKinney, Associate Deputy Secretary
Vice-Chair—Carolyn Angus-Hornbuckle, Assistant Secretary for Administration and Management
Alternate Vice-Chair—Sydney Rose, Chief Human Capital Officer

Rotating Membership—Appointments Expire on 09/30/26

BLS Tony Williams, Associate Commissioner for Technology and Survey Processing
EBSA Amber Rivers, Director of Health Plan Standards and Compliance Assistance
ETA Nicholas Lalpui, Regional Administrator, Dallas
ILAB Molly McCoy, Associate Deputy Undersecretary
MSHA Brian Goepfert, Administrator for Mine Safety and Health Enforcement
OASAM Carl Campbell, Senior Procurement Executive
ODEP Jennifer Sheehy, Deputy Assistant Secretary

OFCCP Tina Williams, Director,
Division of Policy and Program
Development
OLMS Emily Prorise, Regional
Director, St. Louis, MO
OSHA Eric Harbin, Regional
Administrator, Dallas
OWCP Christy Long, National
Administrator of Field Operations,
Seattle
SOL John Rainwater, Regional
Solicitor, Dallas
VETS Ivan Denton, Director, National
Programs
WHD Ruben Rosalez, Regional
Administrator, San Francisco

FOR FURTHER INFORMATION CONTACT:
Tania Burkley, Chief, Division of
Executive Resources, Room N2453, U.S.
Department of Labor, Frances Perkins
Building, 200 Constitution Ave. NW,
Washington, DC 20210, telephone: (202)
693-7638.

Signed at Washington, DC.

Carolyn Angus-Hornbuckle,
*Assistant Secretary for Administration and
Management.*

[FR Doc. 2023-22745 Filed 10-13-23; 8:45 am]

BILLING CODE 4510-04-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Veterans' Employment and Training Service Competitive Grant Programs Reporting

ACTION: Notice of availability; request
for comments.

SUMMARY: The Department of Labor
(DOL) is submitting this Veterans'
Employment and Training Service
(VETS)-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 November 15,
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](http://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:
Michael Howell by telephone at 202-
693-6782, or by email at [DOL_PRA_
PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

SUPPLEMENTARY INFORMATION: This
request pertains the collection of
performance data for the discretionary
grants authorized under chapter 20 of
title 38 of the United States Code. The
collection of information is necessary
for the proper oversight of discretionary
grant funds administered by the
Department of Labor's Veterans'
Employment and Training Service
(VETS) as required by law and
regulation. These discretionary grants
fund over 160 homeless veterans'
reintegration projects that serve over
17,000 veterans experiencing
homelessness, veterans at-risk of
homelessness, and incarcerated veterans
annually. The discretionary grant funds
are also used to fund over 30 Stand
Down events annually. For additional
substantive information about this ICR,
see the related notice published in the
Federal Register on July 25, 2023 (88 FR
47918).

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.

Agency: DOL-VETS.

Title of Collection: Veterans'
Employment and Training Service
Competitive Grant Programs Reporting.
OMB Control Number: 1293-0014.

Affected Public: Businesses or other
for-profits; not-for-profit institutions;
State, local and Tribal governments.

Number of Respondents: 970.

Frequency: Varies.

Number of Responses: 852.

*Estimated Average Time per
Response:* Varies.

Annual Burden Hours: 11,180 hours.

*Total Estimated Annual Other Costs
Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2023-22744 Filed 10-13-23; 8:45 am]

BILLING CODE 4510-79-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data
Users Advisory Committee will meet on
Thursday, November 9, 2023. This
meeting will be held virtually.

The Committee provides advice to the
Bureau of Labor Statistics from the
points of view of data users from
various sectors of the U.S. economy,
including the labor, business, research,
academic, and government
communities. The Committee advises
on technical matters related to the
collection, analysis, dissemination, and
use of the Bureau's statistics, on its
published reports, and on the broader
aspects of its overall mission and
function.

The agenda for the meeting is as
follows:

- 12 p.m. Acting Commissioner's
Welcome and Remarks
- 12:30 p.m. Quarterly Census of
Employment and Wages (QCEW)
Labor Market Concentration
Statistics
- 1:15 p.m. Skills Analysis Project
- 2 p.m. Break
- 2:15 p.m. State Level Consumer Price
Indexes
- 3 p.m. More Detailed Timing for Injury
and Illness Data in Survey of
Occupational Injuries and Illnesses
(SOII)
- 3:45 p.m. Discussion of Future Topics
and Concluding Remarks
- 4 p.m. Conclusion

All times are eastern time. The
meeting is open to the public. Anyone
planning to attend the meeting should
contact Ebony Davis, Data Users
Advisory Committee, at [Davis.Ebony@
bls.gov](mailto:Davis.Ebony@bls.gov). Any questions about the
meeting should be addressed to Mrs.
Davis. Individuals who require special
accommodations should contact Mrs.
Davis at least two days prior to the
meeting date.

Signed at Washington, DC, this 10th day of October 2023.

Leslie Bennett,

Chief, Division of Management Systems.

[FR Doc. 2023-22760 Filed 10-13-23; 8:45 am]

BILLING CODE 4510-24-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 15, 2023.

ADDRESSES: You may submit comments identified by Docket No. MSHA-2023-0035 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2023-0035.
2. *Fax:* 202-693-9441.
3. *Email:* petitioncomments@dol.gov.
4. *Regular Mail or Hand Delivery:*

MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452, *Attention:* S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202-693-9455 to make an appointment, in keeping with the Department of Labor's COVID-19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), Petitionsformodification@dol.gov (email), or 202-693-9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M-2023-012-C.

Petitioner: Warrior Met Coal Mining, LLC, 16243 Highway 216, Brookwood, Alabama 35444.

Mine: No. 4 Mine, MSHA ID No. 01-01247, located in Tuscaloosa County, Alabama. No. 7 Mine, MINE ID No. 01-01401, located in Jefferson County, Alabama.

Regulation Affected: 30 CFR 75.900, Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers.

Modification Request: The petitioner requests a modification of 30 CFR 75.900 to permit use of a contactor or a Variable Frequency Drive (VFD) in series with the circuit breaker, in lieu of a circuit breaker alone.

The petitioner states that:

(a) The mine uses continuous mining machinery and longwall mining machinery,

(b) Miners have been injured setting a circuit breaker which creates a phase-to-phase fault resulting in an arc flash.

(c) The alternative method places the contactor or VFD between the circuit breaker and load, minimizing the possibility of closing into a fault. The use of a vacuum contactor to clear a fault has no arc flash when the fault is cleared.

(d) A VFD will control or limit the inrush current to the connected load as compared to starting across the line. This provides less stress on the electrical system and allows the operator to set the instantaneous trip on the circuit breaker at lower than the maximum allowed setting.

(e) The petitioner currently uses a combination of a circuit breaker and a contactor on continuous mining machine sections to power up

continuous mining machines, roof bolters, feeders, ventilation fans, and chargers.

(f) The petitioner currently uses a circuit breaker and VFD combination out-by on conveyor belt systems.

(g) The combination of circuit breakers with a contactor or VFD will provide short circuit, undervoltage, grounded phase, and overcurrent protection.

The petitioner proposes the following alternative method:

(a) The petitioner shall use a contactor in series with a circuit breaker instead of a circuit breaker alone. The contactor shall provide protection from undervoltage and grounded phase. The circuit breaker shall provide short circuit protection and overcurrent protection (when applicable).

(1) Contactors shall be rated for the maximum voltage of the circuit being protected.

(2) Contactors shall be rated for the continuous full load current of the equipment.

(3) The nominal voltage of the power circuits(s) shall not exceed 995 volts.

(4) The nominal voltage of the control circuit(s) shall not exceed 120 volts.

(5) Contactors and associated protective relays shall provide undervoltage protection causing the contactor to open when an undervoltage exists.

(6) Undervoltage protection shall be provided in two ways:

(i) If the supply voltage to the ground monitor drops below 68 percent, the ground monitor will trip, dropping out the GMAUX relay and thereby removing power from the vacuum contactor coil, thus opening the contactor. The ground monitor trip will be a latching fault that requires a manual reset; and

(ii) In the alternative, undervoltage protection will be provided by contactors that will drop out at 50 and 60 percent of supply voltage.

(7) Grounded phase protection shall be provided using a ground fault relay. When the relay trips on a ground fault condition, the contact tips shall open removing power to the vacuum contactor coil that shall open the contactor. The ground fault relay shall be a latching fault that will require a manual reset.

(8) Contactors shall be located in the same main enclosure as the circuit breaker.

(9) Each circuit breaker installed in series with a contactor shall be equipped with devices to provide short-circuit protection for each piece of equipment.

(10) Ground fault and ground monitor trips shall not automatically reset and

must require a manual reset before the contactor can be closed.

(11) Fail-safe ground check circuits shall cause the contractor to open when either the ground or pilot wire is broken.

(12) A monthly examination shall be conducted on each circuit to ensure proper operation of the contactor.

(13) The monthly examination shall include activating undervoltage, ground fault, and ground monitor trip devices. The results of the contactor test shall be recorded with the required circuit breaker monthly tests.

(b) The petitioner shall use a Variable Frequency Drive (VFD) in series with a circuit breaker instead of a circuit breaker alone. The circuit breaker shall provide short circuit protection. A ground fault relay will provide grounded phase protection which will cause the circuit breaker to open. The VFD shall provide protection from undervoltage and overcurrent.

(1) The VFD shall be rated for the maximum voltage of the circuit being protected.

(2) The VFD shall be rated for the continuous full load current of the utilization equipment.

(3) The nominal voltage of the control circuit(s) shall not exceed 120 volts.

(4) The VFD shall provide undervoltage protection. The VFD shall trip at 55 percent of the nominal voltage based on the parameter settings in the VFD that shall de-energize the output of the VFD.

(5) The VFD shall provide over-current protection to the connected load. The VFD shall use an internal algorithm to protect the equipment based on a rated load. The VFD shall calculate the motor temperature based on current draw over time. If the motor temperature reaches the setpoint for the defined time, the VFD shall fault indicating a motor overload. This shall be a latching fault requires a manual reset.

(6) A circuit breaker shall provide short circuit protection for systems using a VFD. A ground fault relay shall provide grounded phase protection by causing the breaker to open.

(7) The VFD shall be located in the same main enclosure as the circuit breaker.

(8) Each circuit breaker installed in series with a VFD shall be equipped with devices to provide short-circuit protection for each piece of equipment.

(9) Ground fault and ground monitor trips shall not automatically reset and shall require a manual reset before the VFD would turn the output on.

(10) Fail-safe ground check circuits shall cause the breaker to open when

either the ground or pilot wire is broken.

(11) A monthly examination shall be conducted on each circuit to ensure proper operation of the breaker and VFD.

(c) Within 60 days after this proposed decision and order is granted, the petitioner shall submit proposed revisions to its part 48 training plan to the appropriate MSHA District Official(s), specifying task training for all miners who are assigned to work in any pertinent area.

(d) The training shall include the purpose of the contractor systems and VFD systems, the potential hazards of working on or near belt conveyors and belt conveyor drives, and the requirements of 30 CFR 75.1725(c) and (d).

(e) The requirements of 30 CFR 48.3 for approval of proposed revisions to existing approved training plans shall apply.

The petitioner provided documentation to include typical control schemes, contactor specifications, VFD specifications, breaker specifications, ground monitor specifications, ground fault relay specifications, and coupler specifications in support of their petition.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2023-22742 Filed 10-13-23; 8:45 am]

BILLING CODE 4520-43-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's Committee on Oversight hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business pursuant to the NSF Act and the Government in the Sunshine Act.

TIME AND DATE: Wednesday, October 18, 2023, from 10:30–11:30 a.m. EDT.

PLACE: This meeting will be via videoconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda is: Committee Chair's opening remarks regarding the agenda; Presentation and

discussion of the Results of NSF Pilots to Improve Reviewer Training.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, cblair@nsf.gov, 703-292-7000. Meeting information and updates may be found at www.nsf.gov/nsb.

Christopher Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2023-22911 Filed 10-12-23; 4:15 pm]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483; NRC-2023-0158]

Union Electric Company, dba Ameren Missouri; Callaway Plant; Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an exemption request from Union Electric Company doing business as Ameren Missouri (the licensee) submitted by letter dated October 12, 2022, as supplemented by letters dated December 1, 2022, May 9, 2023, June 21, 2023, and August 3, 2023.

DATES: The exemption was issued on October 5, 2023.

ADDRESSES: Please refer to Docket ID NRC-2023-0158 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0158. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The request for

the exemption was submitted by letter dated October 12, 2022 (ADAMS Package Accession No. ML22285A115), as supplemented by letters dated December 1, 2022 (ADAMS Package Accession No. ML22335A497); May 9, 2023 (ADAMS Package Accession No. ML23129A793); June 21, 2023 (ADAMS Accession No. ML23172A145); and August 3, 2023 (ADAMS Package Accession No. ML23215A196).

- *NRC's PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mahesh Chawla, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-8371; email: Mahesh.Chawla@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: October 11, 2023.

For the Nuclear Regulatory Commission.

Mahesh L. Chawla,

*Project Manager, Plant Licensing Branch 4,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.*

Attachment—Exemption

Nuclear Regulatory Commission

Docket No. 50-483

**Union Electric Company Callaway
Plant, Unit No. 1**

Exemption

I. Background

Union Electric Company, doing business as (dba) as Ameren Missouri (the licensee), is the holder of Renewed Facility Operating License No. NPF-30, which authorizes operation of the Callaway Plant, Unit No. 1 (Callaway). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC) now or hereafter in effect. The facility consists of a pressurized-water reactor (PWR) located in Callaway County, Missouri.

II. Request/Action

By letter dated October 12, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22285A115), as supplemented by letters dated December 1, 2022; May 9, 2023; June 21, 2023; and August 3, 2023

(ML22335A497, ML23129A793, ML23172A145, and ML23215A196, respectively), Ameren Missouri, submitted a license amendment request (LAR) for Callaway, proposing to load a limited number of Framatome GAIA fuel assemblies starting in operating cycle 27 to obtain incore performance data and acquire operational experience associated with the GAIA fuel design. Pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) section 50.12, "Specific exemptions," the licensee also requested an exemption from certain requirements of 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems," and 10 CFR part 50, appendix K, "ECCS [Emergency Core Cooling Systems] Evaluation Models," for Callaway in enclosure 2 to the LAR dated October 12, 2022.

This exemption request relates solely to the specific types of cladding materials for which 10 CFR 50.46 and 10 CFR part 50, appendix K, are expressly applicable, namely zircaloy and ZIRLO™. Since these regulations specifically apply only to zircaloy and ZIRLO™, an exemption would be required to apply them to fuel clad with other materials, in this case Framatome M5®. Therefore, the licensee has requested such an exemption to support the introduction of Framatome GAIA fuel with the M5® cladding. The proposed request would not exempt Callaway from requirements of 10 CFR 50.46 or 10 CFR part 50, appendix K, regarding acceptance criteria, evaluation model features and documentation, reporting of changes or errors, etc.

This exemption request is specific to the M5® cladding material exemption request only. The technical analysis necessary to support proposed loading of a limited number of Framatome GAIA fuel assemblies starting in operating cycle 27 is documented in the safety evaluation (SE) for the related LAR (ML23240A369).

III. Discussion

Pursuant to 10 CFR 50.12, the licensee requested an exemption from the requirements of 10 CFR 50.46, and appendix K to 10 CFR part 50. The proposed exemption request would permit application of the requirements of 10 CFR 50.46 and appendix K to 10 CFR part 50 to fuel rods clad with M5® at Callaway.

The technical basis for the use of fuel clad with M5® in PWRs is documented in Topical Report (TR) BAW-10227P-A, Revision 1, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated June 2003 (ADAMS Package No. ML15162B043).

This TR describes Framatome's evaluation for the use of the M5® alloy in PWR fuel assemblies as a replacement for Zircaloy-4. This TR discusses material properties of M5, as well as its behavior under normal operation, anticipated transients, and postulated accident conditions.

The regulation in 10 CFR 50.46(a)(1)(i) states, in part:

Each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant, accidents are calculated.

Since 10 CFR 50.46 specifically refers to fuel with zircaloy or ZIRLO™ cladding, its application to fuel clad with materials other than zircaloy or ZIRLO™ requires an exemption from this section of the regulations.

Paragraph I.A.5, "Metal—Water Reaction Rate," of appendix K to 10 CFR part 50 states, in part:

The rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation (Baker, L., Just, L.C., "Studies of Metal Water Reactions at High Temperatures, III. Experimental and Theoretical Studies of the Zirconium-Water Reaction," [Argonne National Laboratory] ANL-6548, page 7, May 1962).

The requirement for using the Baker-Just equation in appendix K-conformant loss-of-coolant accident (LOCA) evaluation models presume use of zircaloy- or ZIRLO™-clad fuel rods. Therefore, application of 10 CFR part 50, appendix K to cladding materials other than zircaloy or ZIRLO™ also requires an exemption.

Pursuant to 10 CFR 50.12, the Commission may grant exemption from requirements of the regulations in 10 CFR part 50 provided that (1) the exemption is authorized by law, (2) the exemption will not present an undue risk to the public health and safety, (3) the exemption is consistent with the common defense and security, and (4) special circumstances, as defined in 10 CFR 50.12(a)(2), are present. The licensee's submittal identifies that the special circumstance associated with its exemption request is that restricting application of 10 CFR 50.46 and appendix K to 10 CFR part 50 to fuels

clad with only zircaloy or ZIRLO™ is not necessary to achieve the purpose of these regulations.

A. The Exemption Is Authorized by Law

The NRC has authority under 10 CFR 50.12 to grant exemptions from the requirements of 10 CFR part 50 upon demonstration of proper justification. The fuel that will be irradiated at Callaway is clad with a zirconium-based alloy that is not expressly within the scope of 10 CFR 50.46 and 10 CFR part 50, appendix K. However, the NRC staff considers all other aspects of these regulations (e.g., acceptance criteria, prescribed methods, reporting requirements) applicable to the M5® cladding material, and the licensee states that it will ensure that these regulations are satisfied for operation with fuel clad with M5®. As discussed below, the NRC staff determined that special circumstances exist, which support granting the proposed exemption. Furthermore, granting the exemption would not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

As summarized in the staff's safety evaluation supporting this exemption request (ML23234A152 (Enclosure 2)), the NRC-approved Topical Report BAW-10227P-A, Revision 1, which concerns the properties of the M5® alloy, provides assurance that predicted chemical, thermal, and mechanical characteristics of M5®-alloy cladding are acceptable under normal operation, anticipated transients, and postulated accidents. The NRC staff finds that by utilizing the methods and properties in NRC-approved TR (i.e., BAW-10227P-A), the licensee meets the acceptance criteria and analytical methods in 10 CFR 50.46 and appendix K to 10 CFR part 50, and thus, ensures acceptable safety margins for fuel clad with M5® that are consistent with those the NRC has established for zircaloy and ZIRLO™. Callaway cores involving M5® cladding will continue to be subject to the operating limits specified in the technical specifications (TSs) and core operating limits report. Thus, granting this exemption request does not pose undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The proposed exemption will allow the licensee to use an enhanced fuel rod cladding material relative to the zircaloy

material for which the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K were originally established. In addition to its review of the exemption request, the NRC staff has evaluated all licensing-basis changes necessary to support loading fuel clad with M5® in a separate SE for the related license amendment request for fuel transition. Based on these reviews, the NRC staff concludes that the use of M5® fuel rod cladding at Callaway will not significantly affect plant operations and is therefore consistent with the common defense and security.

D. Special Circumstances

Neither 10 CFR 50.46 nor 10 CFR part 50, appendix K explicitly applies to fuel clad with M5®. However, the underlying purpose of 10 CFR 50.46 and 10 CFR part 50, appendix K is to provide requirements capable of ensuring adequate core cooling following the most limiting postulated loss-of-coolant accident. As discussed above, Framatome has demonstrated in an NRC-approved TR (i.e., BAW-10227P-A) that application of the acceptance criteria and analytical methods required in 10 CFR 50.46 and 10 CFR part 50, appendix K to fuel clad with M5® is acceptable. The licensee stated in the exemption request that the core reload safety analyses will be used to confirm on a cycle-specific basis that there is no adverse impact on ECCS performance for Callaway. Therefore, strict application of the material-specific requirements for fuel cladding in 10 CFR 50.46 and 10 CFR part 50, appendix K is not necessary to achieve the underlying purpose of ensuring adequate core cooling in this instance. Furthermore, granting an exemption to allow application of the balance of these regulations to fuel clad with M5® at Callaway would be consistent with the underlying regulatory purpose.

E. Supplemental Information

For more technical details, refer to the SE associated with this exemption under ML23234A152 (Enclosure 2).

F. Environmental Considerations

As discussed in the SE associated with this exemption, the NRC staff determined that the exemption discussed herein meets the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(9) because it is related to a requirement concerning the installation or use of facility components located within the restricted area, as defined in 10 CFR part 20, and the granting of this exemption involves: (i) no significant hazards consideration, (ii) no significant

change in the types or a significant increase in the amounts of any effluents that may be released offsite, and (iii) no significant increase in individual or cumulative occupational radiation exposure. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the NRC's consideration of this exemption request.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Union Electric Company dba Ameren Missouri a one-time exemption from the requirements of 10 CFR 50.46 and 10 CFR part 50, appendix K. The proposed exemption request would permit application of the requirements of 10 CFR 50.46 and appendix K to fuel rods clad with M5® at Callaway. As stated above, this exemption relates solely to the cladding material specified in these regulations.

Dated at Rockville, Maryland, this 5th day of October, 2023

For the Nuclear Regulatory Commission.
Bo M. Pham,
Director, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.

[FR Doc. 2023-22783 Filed 10-13-23; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2023-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 16, 23, 30, November 6, 13, 20, 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>.

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 October 16, 2023

Thursday, October 19, 2023

8:55 a.m. Affirmation Session (Public Meeting) (Tentative). Pacific Gas and Electric Co. (Diablo Canyon Independent Spent Fuel Storage Installation), Appeal of LBP-23-7 (Tentative). (Contact: Wesley Held: 301-287-3591)

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/>.

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/>.

Week of November 6, 2023—Tentative

There are no meetings scheduled for the week of November 6, 2023.

Week of November 13, 2023—Tentative

Thursday, November 16, 2023

9:00 a.m. Briefing on Region I Activities and External Engagement (Public Meeting). (Contact: Wesley Held: 301-287-3591)

Additional Information: The meeting will be held at the Market and Broad Conference Room, 475 Allendale Rd., Suite 102, King of Prussia, Pennsylvania. 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 November 20, 2023—Tentative

There are no meetings scheduled for the week of November 20, 2023.

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: October 11, 2023.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2023-22806 Filed 10-12-23; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395; NRC-2023-0152]

Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Subsequent license renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the subsequent license renewal of Renewed Facility Operating License No. NPF-12, which authorizes Dominion Energy South Carolina, Inc. (DESC) to operate Virgil C. Summer Nuclear Station, Unit No. 1 (V.C. Summer). The subsequent renewed license would authorize the applicant to operate V.C. Summer for an additional 20 years beyond the period specified in

the current license. The current operating license for V.C. Summer expires August 6, 2042.

DATES: A request for a hearing or petition for leave to intervene must be filed by December 15, 2023.

ADDRESSES: Please refer to Docket ID NRC-2023-0152 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0152. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *Public Library:* A copy of the subsequent license renewal application for V.C. Summer can be accessed at the following public library: Fairfield County Library, 300 West Washington St, Winnsboro, SC 29180.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marieliz Johnson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5861; email: Marieliz.Johnson@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a subsequent license renewal application (SLRA) from DESC, dated August 17, 2023

(ADAMS Accession No. ML23233A172), filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), and part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), “Requirements for Renewal of Operating Licenses for Nuclear Power Plants,” to renew the operating license for V.C. Summer for an additional period of 20 years beyond the expiration of the current renewed license. The V.C. Summer unit is a pressurized-water reactor designed by Westinghouse to operate at 2,900 megawatts thermal, and is located near Jenkinsville, South Carolina. A notice of receipt of the SLRA was published in the **Federal Register** on September 11, 2023 (88 FR 62409).

The NRC staff has determined that DESC has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and that the application is, therefore, acceptable for docketing. The current Docket No. 50–395 for Renewed Facility Operating License No. NPF–12, will be retained. The determination to accept the SLRA for docketing does not constitute a determination that a subsequent renewed license should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested subsequent renewed license, the NRC will have made the findings required by the Act and the Commission’s rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a subsequent renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis and that any changes made to the plant’s current licensing basis will comply with the Act and the Commission’s regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC staff will prepare an environmental impact statement (EIS), in which the staff will evaluate the environmental impacts of the proposed action and reasonable alternatives thereto. A draft EIS will be published for comment and will be the

subject of a future **Federal Register** notice. In considering the SLRA, the Commission must find that the applicable requirements of subpart A of 10 CFR part 51 have been satisfied, and that any matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold public scoping meetings. Detailed information regarding the environmental scoping meetings will be the subject of a separate **Federal Register** notice.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission’s “Agency Rules of Practice and Procedure” in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the “Electronic Submissions (E-Filing)” section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>) and the NRC’s public website at <https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the “Guidance for Electronic Submissions to the NRC” (ADAMS Accession No. ML13031A056) and the NRC’s public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC’s public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC’s public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC’s E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming

receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such

information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Reactor License Renewal section on the NRC's public website at <https://www.nrc.gov/reactors/operating/licensing/renewal.html>. Copies of the application to renew the operating license for V.C. Summer are available for public inspection at the NRC's PDR, and on the NRC's public website at <https://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>. The application may be accessed in ADAMS through the NRC Library on the internet at <https://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession No. ML23233A172. As previously stated, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to PDR.Resource@nrc.gov.

Dated: October 11, 2023.

For The Nuclear Regulatory Commission.

Lauren K. Gibson,

*Chief, License Renewal Project Branch,
Division of New and Renewed Licenses, Office
of Nuclear Reactor Regulation.*

[FR Doc. 2023-22784 Filed 10-13-23; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-2 and CP2024-2]

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:* October 17, 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:

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- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

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).

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2024–2 and CP2024–2; *Filing Title*: USPS Request to Add USPS Ground Advantage Contract 4 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 6, 2023; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 17, 2023.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2023–22722 Filed 10–13–23; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–155, OMB Control No. 3235–0123]

Submission for OMB Review; Comment Request; Extension: Rule 17a–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below.

Rule 17a–5 (17 CFR 240.17a–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) is the basic financial reporting rule for brokers and dealers.¹ The rule requires the filing of Form X–17A–5, the Financial and Operational Combined Uniform Single Report (“FOCUS Report”), which was the result of years of study and comments by representatives of the securities industry through advisory committees and through the normal rule proposal methods. The FOCUS Report was designed to eliminate the overlapping regulatory reports required by various self-regulatory organizations and the Commission and to reduce reporting burdens as much as possible. The rule also requires the filing of annual reports, which include a financial report and a

compliance or exemption report as well as reports of an independent public accountant covering the financial report and the compliance or exemption report. In addition, the rule requires a broker-dealer that computes certain capital charges in accordance with Appendix E to Exchange Act Rule 15c3–1 (17 CFR 240.15c3–1e) to file additional monthly or quarterly reports and a supplemental report on management controls concurrently with its annual reports.

The Commission estimates that the total hour burden under Rule 17a–5 is approximately 397,467 hours per year, and the total cost burden is approximately \$31,295,048 per year. Since the last approval of this information collection, the estimated total burden hours per year has increased due to more respondents filing monthly reports rather than quarterly reports under Rule 17a–5; the estimated total cost burden per year has decreased due to more filings being submitted electronically.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent by November 15, 2023 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: October 10, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023–22735 Filed 10–13–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, October 18, 2023 at 10:00 a.m. (ET).

PLACE: The meeting will be held in Auditorium LL–002 at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549 and will be simultaneously webcast on the Commission’s website at www.sec.gov.

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Visitors will be subject to security checks. The meeting will be webcast on the Commission’s website at www.sec.gov.

MATTERS TO BE CONSIDERED: 1. The Commission will consider whether to propose a new rule to prohibit national securities exchanges from offering volume-based transaction pricing in connection with the execution of agency-related orders in NMS stocks; and to require national securities exchanges to have certain anti-evasion rules and written policies and procedures and disclose certain information if they offer volume-based transaction pricing for member proprietary volume in those stocks.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: October 11, 2023.

J. Matthew DeLesDernier,
Deputy Secretary.

[FR Doc. 2023–22835 Filed 10–12–23; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–094, OMB Control No. 3235–0085]

Submission for OMB Review; Comment Request; Extension: Rule 17a–11

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (“PRA”), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information provided for in Rule 17a–11, Notification Provisions for Brokers and Dealers (17 CFR 240.17a–11), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (“Exchange Act”).

¹ Rule 17a–5(c) requires a broker or dealer to furnish certain of its financial information to customers and is subject to a separate PRA filing (OMB Control Number 3235–0199).

Rule 17a-11 was adopted on July 11, 1971 in response to an operational crisis in the securities industry between 1967 and 1970. Rule 17a-11 requires broker-dealers that are experiencing financial or operational difficulties to provide notice to the Commission, the broker-dealer's designated examining authority ("DEA"), and the Commodity Futures Trading Commission ("CFTC") if the broker-dealer is registered with the CFTC as a futures commission merchant. Rule 17a-11 is an integral part of the Commission's financial responsibility program which enables the Commission, a broker-dealer's DEA, and the CFTC to increase surveillance of a broker-dealer experiencing difficulties and to obtain any additional information necessary to gauge the broker-dealer's financial or operational condition.

Rule 17a-11 also requires over-the-counter derivatives dealers and broker-dealers that are permitted to compute net capital pursuant to Appendix E to Exchange Act Rule 15c3-1 to notify the Commission when their tentative net capital drops below certain levels.

To ensure the provision of these types of notices to the Commission, Rule 17a-11 requires every national securities exchange or national securities association to notify the Commission when it learns that a member broker-dealer has failed to send a notice or transmit a report required under the rule.

Compliance with the rule is mandatory. The Commission will generally not publish or make available to any person notices or reports received pursuant to Rule 17a-11. The Commission believes that information obtained under Rule 17a-11 relates to a condition report prepared for the use of the Commission, other federal governmental authorities, and securities industry self-regulatory organizations responsible for the regulation or supervision of financial institutions.

The Commission estimates that the total hour burden under Rule 17a-11 is approximately 274 hours per year.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent by

November 15, 2023 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: October 10, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-22732 Filed 10-13-23; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-427, OMB Control No. 3235-0476]

Submission for OMB Review; Comment Request; Extension: Rule 10b-17

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the previously approved collection of information provided for in Rule 10b-17 (17 CFR 240.10b-17), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 10b-17 requires any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to give notice of the following specific distributions relating to such class of securities: (1) a dividend or other distribution in cash or in kind other than interest payments on debt securities; (2) a stock split or reverse stock split; or (3) a rights or other subscription offering. Notice shall be either given to the Financial Industry Regulatory Authority, Inc. as successor to the National Association of Securities Dealers, Inc. or in accordance with the procedures of the national securities exchange upon which the securities are registered. The Commission may exempt an issuer of over-the-counter (but not listed) securities from the notice requirement. The requirements of Rule 10b-17 do not apply to redeemable securities of registered open-end investment companies or unit investment trusts.

The information required by Rule 10b-17 is necessary for the execution of the Commission's mandate under the Securities Exchange Act of 1934 to prevent fraudulent, manipulative, and deceptive acts and practices. The Commission has found that not requiring formal notices of the types of distributions covered by Rule 10b-17 has led to a number of abuses including purchasers not being aware of their rights to such distributions. It is only through formal notice of the distribution, including the date of the distribution, that current holders, potential buyers, or potential sellers of the securities at issue will know their rights to the distribution and make an informed decision as to whether to buy or sell a security.

There are approximately 7,588 respondents per year. These respondents make approximately 29,952 responses per year. Each response takes approximately 10 minutes to complete. Thus, the total hour burden per year is approximately 4,992 hours. The total internal labor cost of compliance for respondents associated with providing notice under Rule 10b-17 is approximately \$431,258.88.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent by November 15, 2023 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: October 10, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023-22734 Filed 10-13-23; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–155, OMB Control No. 3235–0123]

Submission for OMB Review; Comment Request; Extension: Rule 17a–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below.

Rule 17a–5 (17 CFR 240.17a–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) is the basic financial reporting rule for brokers and dealers.¹ The rule requires the filing of Form X–17A–5, the Financial and Operational Combined Uniform Single Report (“FOCUS Report”), which was the result of years of study and comments by representatives of the securities industry through advisory committees and through the normal rule proposal methods. The FOCUS Report was designed to eliminate the overlapping regulatory reports required by various self-regulatory organizations and the Commission and to reduce reporting burdens as much as possible. The rule also requires the filing of annual reports, which include a financial report and a compliance or exemption report as well as reports of an independent public accountant covering the financial report and the compliance or exemption report. In addition, the rule requires a broker-dealer that computes certain capital charges in accordance with Appendix E to Exchange Act Rule 15c3–1 (17 CFR 240.15c3–1e) to file additional monthly or quarterly reports and a supplemental report on management controls concurrently with its annual reports.

The Commission estimates that the total hour burden under Rule 17a–5 is approximately 397,467 hours per year, and the total cost burden is approximately \$31,295,048 per year. Since the last approval of this information collection, the estimated total burden hours per year has

increased due to more respondents filing monthly reports rather than quarterly reports under Rule 17a–5; the estimated total cost burden per year has decreased due to more filings being submitted electronically.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: www.reginfo.gov. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent by November 15, 2023 to (i) www.reginfo.gov/public/do/PRAMain and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov.

Dated: October 10, 2023.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2023–22733 Filed 10–13–23; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION**Sunshine Act Meetings**

TIME AND DATE: 2:15 p.m. on Thursday, October 19, 2023.

PLACE: The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B)

and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: October 12, 2023.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2023–22904 Filed 10–12–23; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18240 and #18241; NEVADA Disaster Number NV–00076]

Administrative Declaration of a Disaster for the State of Nevada

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Nevada dated 10/10/2023.

Incident: Hurricane Hilary.

Incident Period: 08/18/2023 through 08/24/2023.

DATES: Issued on 10/10/2023.

Physical Loan Application Deadline Date: 12/11/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 07/10/2024.

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

¹ Rule 17a–5(c) requires a broker or dealer to furnish certain of its financial information to customers and is subject to a separate PRA filing (OMB Control Number 3235–0199).

Administrator's disaster declaration, 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: Clark.

Contiguous Counties:

CALIFORNIA: Inyo, San Bernardino.

NEVADA: Lincoln, Nye.

ARIZONA: Mohave.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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
Non-Profit Organizations without Credit Available Elsewhere	2.375
<i>For Economic Injury:</i>	
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 18240 8 and for economic injury is 18241 0.

The States which received an EIDL Declaration # are Arizona, California, Nevada.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2023-22719 Filed 10-13-23; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18238 and #18239; Mississippi Disaster Number MS-00164]

Administrative Disaster Declaration of a Rural Area for the State of Mississippi

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of Mississippi dated 10/10/2023.

Incident: Severe Storms, Straight-line Winds, and Tornadoes.

Incident Period: 06/14/2023 through 06/19/2023.

DATES: Issued on 10/10/2023.

Physical Loan Application Deadline Date: 12/11/2023.

Economic Injury (EIDL) Loan Application Deadline Date: 07/10/2024.

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: Leake.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
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
Non-Profit Organizations without Credit Available Elsewhere	2.375
<i>For Economic Injury:</i>	
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 18238 C and for economic injury is 18239 0.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2023-22723 Filed 10-13-23; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 12221]

Notice of Determinations; Culturally Significant Objects Being Imported for Conservation and Exhibition—Determinations: “On Thin Ice: Dutch Depictions of Extreme Weather” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary conservation and display in the exhibition “On Thin Ice: Dutch Depictions of Extreme Weather” at the J. Paul Getty Museum at the Getty Center, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary conservation and exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DPD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023-22763 Filed 10-13-23; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE**[Public Notice: 12220]****Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Imagined Fronts: The Great War and Global Media” Exhibition**

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Imagined Fronts: The Great War and Global Media” at the Los Angeles County Museum of Art, Los Angeles, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2023–22772 Filed 10–13–23; 8:45 am]

BILLING CODE 4710–05–P

SUSQUEHANNA RIVER BASIN COMMISSION**Projects Approved for Consumptive Uses of Water**

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: September 1–30, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission’s approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above.

Water Source Approval—Issued Under 18 CFR 806.22(f)

1. RENEWAL—Blackhill Energy LLC; Pad ID: HOUSER 1H Pad; ABR–201107018.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 10, 2023.

2. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: BUTLER (07 086) J; ABR–201309003.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

3. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: MURPHY (07 075) D; ABR–201309002.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

4. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: OLYMPIC LAKE ESTATES (07 083); ABR–201309005.R2; Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

5. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: ROGERS (05 235) H; ABR–201108051.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2023.

6. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: SHEA (07 021) D; ABR–201309004.R2; Choconut Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 14, 2023.

7. RENEWAL—SWN Production Company, LLC; Pad ID: GU 04 Williams Aeppli; ABR–201309001.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9999 mgd; Approval Date: September 14, 2023.

8. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Lathrop Farm Trust B Drilling Pad; ABR–201309009.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2023.

9. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Shumhurst2; ABR–201709002.R1; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2023.

10. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Yencha; ABR–201209012.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 25, 2023.

11. Coterra Energy Inc.; Pad ID: BushnellR P1; ABR–202309001; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

12. Coterra Energy Inc.; Pad ID: Palkof P1; ABR–202309002; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

13. RENEWAL—Coterra Energy Inc.; Pad ID: StoddardT P1; ABR–201309012.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 25, 2023.

14. RENEWAL—Seneca Resources Company, LLC; Pad ID: Bradford 481; ABR–201309008.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 25, 2023.

15. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Blueberry Hill; ABR–201209014.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 27, 2023.

16. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Carr; ABR–201209015.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 27, 2023.

17. RENEWAL—Seneca Resources Company, LLC; Pad ID: Delaney 651; ABR–201209013.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 27, 2023.

18. RENEWAL—Chesapeake Appalachia, L.L.C.; Pad ID: Elliott B Drilling Pad #1; ABR–201109030.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 28, 2023.

19. RENEWAL—Coterra Energy Inc.; Pad ID: HeitzenroderA P1; ABR–

201109025.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 28, 2023.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: October 10, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2023–22717 Filed 10–13–23; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 2, 2023. The Commission will hold this hearing in person and telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 14, 2023, which will be noticed separately. The public should note that this public hearing will be the only opportunity to offer oral comments to the Commission for the listed projects. The deadline for the submission of written comments is November 13, 2023.

DATES: The public hearing will convene on November 2, 2023, at 6:30 p.m. The public hearing will end at 9 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments is Monday, November 13, 2023.

ADDRESSES: This public hearing will be conducted in person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1–877–304–9269 and then enter the guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423 or joyler@srbc.gov. Information concerning the project applications is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to

inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.gov/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Action

1. *Project Sponsor and Facility:* Appalachian Utilities, Inc., Pine Creek Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.576 mgd from Well 5 and 0.381 mgd from Well 6.

2. *Project Sponsor:* Aqua Pennsylvania, Inc. *Project Facility:* Eagle Rock Utilities System, North Union Township, Schuylkill County, Pa. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Well ER–7.

3. *Project Sponsor and Facility:* Conyngham/Sugarloaf Joint Municipal Authority, Conyngham Borough, Luzerne County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.023 mgd from Well 1, 0.051 mgd from Well 3, and 0.216 mgd from Well 7 (Docket No. 20070301).

4. *Project Sponsor and Facility:* Eagles Crossing, Inc. (Conodoguinet Creek), North Middleton and Lower Frankford Townships, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.249 mgd (peak day) and consumptive use of up to 0.249 mgd (30-day average) (Docket No. 19981207).

5. *Project Sponsor and Facility:* EQT ARO LLC (Pine Creek), Watson Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20181202).

6. *Project Sponsor and Facility:* Hummel Station, LLC (Susquehanna River), Shamokin Dam Borough and Monroe Township, Snyder County, Pa. Applications for renewal of surface water withdrawal of up to 10.000 mgd (peak day) and consumptive use of up to 6.500 mgd (peak day) (Docket No. 20081222).

7. *Project Sponsor:* KBK–HR Associates, LLC. *Project Facility:* Honey Run Golf Club, Dover Township, York County, Pa. Applications for renewal of surface water withdrawals (peak day) of up to 0.382 mgd from Honey Run and 0.350 mgd from Little Conewago Creek, and consumptive use of up to 0.200 mgd (30-day average) (Docket Nos. 20081215, 20081216, and 20081217).

8. *Project Sponsor and Facility:* Keystone Landfill, Inc., Dunmore

Borough, Lackawanna County, Pa. Application for renewal of consumptive use of up to 0.360 mgd (peak day) (Docket No. 20080611).

9. *Project Sponsor and Facility:* Koppers Inc., Clinton Township, Lycoming County, Pa. Application for renewal of consumptive use of up to 0.040 mgd (peak day) (Docket No. 19880204).

10. *Project Sponsor:* Lucky Bear, LLC. *Project Facility:* Liberty Forge Golf Course (Yellow Breeches Creek), Lower and Upper Allen Townships, Cumberland County, Pa. Applications for renewal of surface water withdrawal of up to 0.432 mgd (peak day) and consumptive use of up to 0.375 mgd (peak day) (Docket No. 19980906).

11. *Project Sponsor and Facility:* Newport Borough Water Authority, Howe Township, Perry County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.037 mgd from Well 10 and 0.050 mgd from Well 14 (Docket Nos. 19920506 and 19920706).

12. *Project Sponsor and Facility:* Nicholas Meat, LLC, Greene Township, Clinton County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.288 mgd from Well WS–1, 0.173 mgd from Well WS–3, and 0.144 mgd from Well WS–4.

13. *Project Sponsor and Facility:* Pennsylvania General Energy Company, L.L.C. (Loyalsock Creek), Plunketts Creek Township, Lycoming County, Pa. Modification to intake location and design for the surface water withdrawal (Docket No. 20200312).

14. *Project Sponsor and Facility:* Repsol Oil & Gas USA, LLC (Seeley Creek), Wells Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20181207).

15. *Project Sponsor and Facility:* Repsol Oil & Gas USA, LLC (Wyalusing Creek), Stevens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20181208).

16. *Project Sponsor and Facility:* Seneca Resources Company, LLC (Cowanessque River), Nelson Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20181210).

17. *Project Sponsor and Facility:* Seneca Resources Company, LLC (Cowanessque River), Westfield Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.400 mgd (peak day) (Docket No. 20181211).

18. *Project Sponsor and Facility:* Stewartstown Borough Authority,

Stewartstown Borough, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.044 mgd (30-day average) from Well 6 (Docket No. 19930903).

19. *Project Sponsor and Facility:* Village of Sidney, Town of Unadilla, Otsego County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.999 mgd from Well PW-2 and 0.999 mgd from Well PW-3.

20. *Project Sponsor and Facility:* Walker Township Water Association, Inc, Walker Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.523 mgd (30-day average) from Snyderstown Well 3 (Docket No. 20070905).

Opportunity To Appear and Comment

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by emailing Jason Oyler at joyler@srbc.gov before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.gov, before the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.gov/meeting-comment/default.aspx?type=2&cat=7>. Comments mailed or electronically submitted must be received by the Commission on or before Monday, November 13, 2023, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: October 10, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2023-22720 Filed 10-13-23; 8:45 am]

BILLING CODE 7040-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: September 1-30, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT:

Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects described below, pursuant to 18 CFR part 806, subpart E, for the time period specified above:

1. Amphenol Corporation—Amphenol Aerospace Operations, GF Certificate No. GF-202309257, Town of Sidney, Delaware County, N.Y.; West Well, North Well, and consumptive use; Issue Date: September 11, 2023.

2. New Enterprise Stone & Lime Co., Inc.—Weaverland Quarry, GF Certificate No. GF-202309258, East Earl Township, Lancaster County, Pa.; Wells 1 and 3, combined withdrawal from Wells 2 and 4, and Lower Plant Well 489; Issue Date: September 11, 2023.

3. Town of Chenango—Public Water Supply System—Well 12A and Cherry Lane Well Service Area, GF Certificate No. GF-202309259, Town of Chenango, Broome County, N.Y.; Cherry Lane Well; Issue Date: September 11, 2023.

4. Town of Chenango—Public Water Supply System—Maplewood and Applewood Wells Service Area, GF Certificate No. GF-202309260, Town of Chenango, Broome County, N.Y.; Applewood Well and Maplewood Well; Issue Date: September 11, 2023.

5. Town of Chenango—Public Water Supply System—Northgate Well Service Area, GF Certificate No. GF-202309261, Town of Chenango, Broome County, N.Y.; Northgate Well; Issue Date: September 11, 2023.

6. New Enterprise Stone & Lime Co., Inc.—Lewisburg Quarry, GF Certificate No. GF-202309262, Buffalo Township, Union County, Pa.; Wells 1, 2, 3, 4, and 5; Issue Date: September 12, 2023.

7. Pennsy Supply, Inc.—Silver Spring Quarry, GF Certificate No. GF-202309263, Silver Spring Township, Cumberland County, Pa.; Active and Inactive Pit Sumps and consumptive use; Issue Date: September 12, 2023.

8. Pure Events, L.P.—Lake Raystown Resort, GF Certificate No. GF-202309264, Hopewell Township, Huntingdon County, Pa.; Raystown Branch Juniata River; Issue Date: September 12, 2023.

(Authority: Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808)

Dated: October 10, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2023-22721 Filed 10-13-23; 8:45 am]

BILLING CODE 7040-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed SR-32 Project in Tennessee

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of the statute. The actions relate to a proposed highway project, State Route (SR) 32 (US-321) from SR-73 at Cosby to North of Wilton Springs Road in Cocke County, Tennessee. Those actions grant licenses, permits, and approvals for the project. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 14, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Ms. Pamela M. Kordenbrock; Division Administrator; Federal Highway Administration; Tennessee Division Office; 404 BNA Drive, Building 200, Suite 508; Nashville,

Tennessee 37217; Telephone (615) 781-5770; email: Pamela.Kordenbrock@dot.gov. The FHWA Tennessee Division Office's normal business hours are 7:30 a.m. to 4 p.m. (Central Time). You may also contact Ms. Susannah Kniazewycz, P.E. Environmental Division Director, Tennessee Department of Transportation (TDOT), James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville, Tennessee 37243-0334; Telephone (615) 741-3655, Susannah.Kniazewycz@tn.gov. The TDOT Environmental Division's normal business hours are 8 a.m. to 5 p.m. (Central Time). For U.S. Army Corps of Engineers (USACE): William E. Worrall, P.E., Chief, Technical Services Branch, USACE Nashville District, 3701 Bell Road, Nashville, Tennessee 37214; Telephone (615) 369-7513, william.e.worrall@usace.army.mil. The USACE Nashville District's normal business hours are 7 a.m. to 3:30 p.m. (Central Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and USACE have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Tennessee: SR-32 (US-321), Project Number 15005-1234-04, PIN 101422.00, Cocke County, Tennessee. The proposed action will improve access to high tourism areas within the region, improve the roadway to meet current design standards, improve traffic operational efficiency, reduce crashes, meet the legislative intent of the Improving Manufacturing, Public Roads, and Opportunities for a Vibrant Economy (IMPROVE) Act, and enhance economic development opportunities. The Selected Alternative (Build Alternative A) will begin on SR-73 just south of Stonebrook Drive and continue north on new location west of Stonebrook Drive for approximately 1.4 miles before crossing existing SR-32. After crossing existing SR-32, the Selected Alternative (Build Alternative A) continues north on new location to just north of SR-339 (Jones Cove Road), where it then follows the existing SR-32 alignment, except where it straightens out several curves, to north of Middle Creek Road where it again travels on new location to align with existing SR-32 at the SR-32/Wilton Springs Road intersection. The Selected Alternative (Build Alternative A) continues through the intersection to connect with the existing 4-lane divided section of SR-32 north of the bridge over Cosby Creek. The Selected Alternative (Build Alternative A) will result in the realignment of the entrance to the Foothills Parkway, which is

under the jurisdiction of the National Park Service (NPS). Coordination with the NPS has been ongoing throughout project development. The NPS concurred with FHWA's proposed Section 4(f) *de minimis* use determination related to impacts associated with the Foothills Parkway on March 3, 2023.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on March 16, 2022, in the FHWA FONSI issued on July 13, 2023, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting the FHWA or TDOT at the addresses provided above. The FHWA EA and FONSI can be viewed and downloaded from the project website at <https://www.tn.gov/tdot/projects/projects-region-1/sr-32-project.html>, or viewed at the TDOT—Environmental Division, James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville, Tennessee 37243-0334, the Cocke County Mayor's Office, 360 East Main Street, Newport, Tennessee 37821, or the TDOT Construction Office, 1046 Cosby Highway, Newport, Tennessee 37821

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303].
4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].
7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, and Section 319) [33 U.S.C. 1251-1377].
8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601-9675].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 13112 Invasive Species; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Daniel Hinton,

Acting Division Administrator, Nashville, Tennessee.

[FR Doc. 2023-22773 Filed 10-13-23; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2010-0144]

Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 14, 2023, Akron Barberton Cluster Railway (ABCR) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the federal hours of service laws contained at title 49 United States Code (U.S.C.) section 21103. The relevant Docket Number is FRA-2010-0144. Specifically, ABCR requested an extension of the existing relief from the provisions of 49 U.S.C. 21103(a)(4), which in part, provides that a train employee may not be required or allowed to remain or go on duty after that employee has initiated an on-duty period each day for 6 consecutive days, unless that employee has had at least 48 hours off duty at the employee's home terminal. ABCR seeks to continue to allow a train employee to initiate an on-duty period for 6 consecutive days followed by 24 hours off duty. ABCR states that it employs nine train and engine service employees who would use this waiver with set hours, set days off, and no layovers at away from home locations. ABCR further explains that it has support from all employees for the extension of relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by December 15, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2023-22738 Filed 10-13-23; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2018-0033]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 25, 2023, the Michigan State Trust for Railway Preservation, Inc.

(MSTRP), doing business as The Steam Railroading Institute, petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 240 (Qualification and Certification of Locomotive Engineers). The relevant Docket Number is FRA-2018-0033.

Specifically, MSTRP requests to extend its relief from § 240.201(d), which requires that only certified persons operate locomotives and trains. The current relief allows noncertified persons to operate a locomotive as part of a “Hands on the Throttle” program on Great Lakes Central Railroad owned and operated tracks. In support of its petition, MSTRP notes that the relief would only apply to persons participating in the program, and that participants would have a valid driver’s license and be under the direct supervision of a certified and qualified locomotive engineer. Further, all movements would take place during daylight hours and at restricted speed. MSTRP states that the program generates interest in steam locomotive technology to preserve knowledge and heritage of railroading into the future.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by December 15, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments

from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of www.regulations.gov.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2023-22739 Filed 10-13-23; 8:45 am]

BILLING CODE 4910-06-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-12

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 W-12, *IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal*.

DATES: Written comments should be received on or before December 15, 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: 1545-2190—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: IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal.

OMB Number: 1545-2190.

Form Project Number: Form W-12.

Abstract: A paid tax preparer uses Form W-12 to apply and renew for a preparer tax identification number (PTIN).

Current Actions: Updates to the indicators used to calculate burden for Form W-12 will increase the overall burden estimate by 1,740,000 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals, business, or other for-profit organization.

Estimated Number of Responses: 1,200,000.

Estimated Time per Respondent: 2 Hrs., 40 Min.

Estimated Total Annual Burden Hours: 3,204,000.

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: October 10, 2023.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2023-22703 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, November 9, 2023.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1-888-912-1227 or 214-413-6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, November 9, 2023, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Conchata Holloway. For more information, please contact Conchata Holloway at 1-888-912-1227 or 214-413-6550, or write TAP Office, 1114 Commerce St., MC 1005, Dallas, TX 75242 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion involving Increase E-filing of Forms/Tax Returns, Entities with multiple EINs, and Effectively measuring outreach.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22727 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Wednesday, November 8, 2023.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1-888-912-1227 or 202-317-4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, November 8, 2023, at 11 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1-888-912-1227 or 202-317-4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion involving Expand VITA Programs that Service International Taxpayers; Video Conference Calls for US Taxpayers; IP Pin Letter for Overseas Taxpayers; Estate Gift Tax; Provide Clarity on Free File Pricing Under *IRS.gov*; Form 706 Estate Gift Tax Forms and Instructions; and Tax Practitioners Revealing Their PII.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22724 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, November 9, 2023.

FOR FURTHER INFORMATION CONTACT: Kelvin Johnson at 1-888-912-1227 or (504) 202-9679.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Thursday, November 9, 2023, at 3 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Kelvin Johnson. For more information, please contact Kelvin Johnson at 1-888-912-1227 or (504) 202-9679, or write TAP Office, 1555 Poydras Street, 2nd floor, MS 12, New Orleans, LA 70112 or contact us at the website: <http://www.improveirs.org>. The agenda will include a committee discussion about the CP 2000 (Proposed Changes to Your Tax Return). There will be a discussion of the Difficult/Challenging Letters/ Notices, and a Review of Letter 5071C.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22726 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel Joint Committee**

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference through the Microsoft Teams Platform.

DATES: The meeting will be held Monday, November 27, 2023.

FOR FURTHER INFORMATION CONTACT: Conchata Holloway at 1-888-912-1227 or 214-413-6550.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Monday, November 27, 2023, at 3 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information, please contact Conchata Holloway at 1-888-912-1227 or 214-413-6550, or write TAP Office, 1114 Commerce St., MC 1005, Dallas, TX 75242 or contact us at the website: <https://www.improveirs.org>.

The agenda will include the potential project referrals from the committees, and discussions on priorities the TAP will focus on for the 2023 year. Public input is welcomed.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22730 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Thursday, November 9, 2023.

FOR FURTHER INFORMATION CONTACT:

Rosalind Matherne at 1-888-912-1227 or 202-317-4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Thursday, November 9, 2023, at 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information, please contact Rosalind Matherne at 1-888-912-1227 or 202-317-4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion that may involve On-line Chat feature, On-hold Music, Identity Theft Prevention and Victim Assistance Measures, Dashboard Data for Where's My Refund, and The Right to Quality Service on the Phone Line.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22729 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, November 14, 2023.

FOR FURTHER INFORMATION CONTACT: Ann Tabat at 1-888-912-1227 or (602) 636-9143.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988)

that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Tuesday, November 14, 2023, at 3:30 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Ann Tabat. For more information, please contact Ann Tabat at 1-888-912-1227 or (602) 636-9143, or write TAP Office, 4041 N Central Ave., Phoenix, AZ 85012 or contact us at the website: <http://www.improveirs.org>. The agenda will include a committee discussion involving Form 8888 Allocation of Refund and instructions; and Decedent and Trust forms and publications.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22725 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

DATES: The meeting will be held Tuesday, November 14, 2023.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements (TAC) Project Committee will be held Tuesday, November 14, 2023, at 2 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of

intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612-5217 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion involving Taxpayer Communications—Recordkeeping, Access to the TAC for disabled taxpayers, and Parameters for the VITA Program.

Dated: October 10, 2023.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2023-22728 Filed 10-13-23; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

United States Mint

Request for Citizens Coinage Advisory Committee Membership Applications

ACTION: Notice.

SUMMARY: The United States Mint is accepting applications for appointment to the Citizens Coinage Advisory Committee (CCAC) as the member specially qualified to serve on the CCAC by virtue of their education, training, or experience in *numismatics*.

DATES: *Application Deadline:* 5 p.m. (ET), December 11, 2023.

ADDRESSES: Receipt of Applications: Any member of the public wishing to be considered for this appointment to the CCAC should submit a resume and cover letter describing his or her reasons for seeking appointment and qualifications for the position, by email to info@ccac.gov, Attn: Jennifer Warren. The deadline to email submissions is no later than 5 p.m. (ET) on December 11, 2023.

FOR FURTHER INFORMATION CONTACT: Jennifer Warren, United States Mint Liaison to the CCAC; jennifer.warren@usmint.treas.gov or call 202-354-7200.

SUPPLEMENTARY INFORMATION: The CCAC was established to:

Advise 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 produced by the United States Mint.

Advise the Secretary of the Treasury with regard to the events, persons, or places that the CCAC recommends 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.

Make recommendations with respect to the mintage level for any commemorative coin recommended.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

One person specially qualified by virtue of his or her education, training, or experience as nationally or internationally recognized curator in the United States of a numismatic collection;

One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;

One person specially qualified by virtue of his or her education, training, or experience in American history;

One person specially qualified by virtue of his or her education, training, or experience in numismatics;

Three persons who can represent the interests of the general public in the coinage of the United States; and

Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the U.S. House and Senate leadership.

Members are appointed for a term of four years. No individual may be appointed to the CCAC while serving as an officer or employee of the Federal Government, and applicants must be United States citizens.

The CCAC is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public and are held approximately four to six times per year. The United States Mint is responsible for providing the necessary support, technical services, and advice to the CCAC. CCAC members are not paid for their time or services; however, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend meetings. Members are Special Government Employees and are subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment. Candidates should include specific skills, abilities, talents, and credentials to support their applications, particularly demonstrating their education, training, and experience in numismatics. The United States Mint is also interested in candidates who have demonstrated interest and a commitment to actively participate in meetings and activities, and a demonstrated understanding of the role of the CCAC and the obligations

of a Special Government Employee; possess a demonstrated desire for public service and have a history of honorable professional and personal conduct, as well as successful standing in their communities; and who are free of professional, political, or financial interests that could negatively affect their ability to provide impartial advice.

(Authority: 31 U.S.C. 5135(b))

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2023–22755 Filed 10–13–23; 8:45 am]

BILLING CODE 4810–37–P

UNITED STATES INSTITUTE OF PEACE

Notice Regarding Board of Directors Meetings

AGENCY: Endowment of the United States Institute of Peace, United States Institute of Peace (USIP).

ACTION: Announcement of meeting.

SUMMARY: USIP announces the next meeting of the Board of Directors.

DATES: Friday, October 20, 2023 (9 a.m.–12:30 p.m.). The next meeting of the Board of Directors will be held January 19, 2024.

ADDRESSES: 2301 Constitution Avenue NW, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Megan O'Hare, 202–429–4144, mohare@usip.gov.

SUPPLEMENTARY INFORMATION: Open Session—Portions may be closed pursuant to subsection (c) of section 552b of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

(Authority: 22 U.S.C. 4605(h)(3))

Dated: October 11, 2023.

Rebecca Fernandes,

Director of Accounting.

[FR Doc. 2023–22737 Filed 10–13–23; 8:45 am]

BILLING CODE 2810–03–P



FEDERAL REGISTER

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October 16, 2023

Part II

Department of Housing and Urban
Development

Notice of Regulatory Waiver Requests Granted for the Second Quarter of
Calendar Year 2023; Notice

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR–6395–N–02]

**Notice of Regulatory Waiver Requests
Granted for the Second Quarter of
Calendar Year 2023**

AGENCY: Office of the General Counsel,
HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on April 1, 2023 and ending on June 30, 2023.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–5300 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities.

To learn more about how to make an accessible telephone call, please visit please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the second quarter of calendar year 2023.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;
2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to

waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- a. Identify the project, activity, or undertaking involved;
- b. Describe the nature of the provision waived and the designation of the provision;
- c. Indicate the name and title of the person who granted the waiver request;
- d. Describe briefly the grounds for approval of the request; and
- e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD’s Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office’s Order of Succession.

This notice covers waivers of regulations granted by HUD from April 1, 2023, through June 30, 2023. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and

§ 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the second quarter of calendar year 2023) before the next report is published (the third quarter of calendar year 2023), HUD will include any additional waivers granted for the second quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Damon Y. Smith,
General Counsel.

Appendix

**Listing of Waivers of Regulatory
Requirements Granted by Offices of the
Department of Housing and Urban
Development April 1, 2023 Through June 30,
2023**

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory waivers granted by the Office of Community Planning and Development
- II. Regulatory waivers granted by the Office of Public and Indian Housing

**I. Regulatory Waivers Granted by the Office
of Community Planning and Development**

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 92.203(a)(1) and (2).
- *Project/Activity:* Any participating jurisdiction or grantee located in the declared-disaster area (see FEMA–DR–4698–AR) affected by the severe storms and tornadoes in Arkansas.

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for

HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as evidenced by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from April 11, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4698-AR).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after April 11, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating

jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after April 11, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after April 11, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.222(b)(1).
- Project/Activity:** Any participating jurisdiction located in the declared-disaster areas (see FEMA-DR-4698-AR).

Nature of Requirement: Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(a)) (NAHA) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on a case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating

jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4698-AR).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of April 11, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4698-AR).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective. This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from April 11, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.252(d)(l) Utility Allowance Requirements.

Project/Activity: The City of Omaha, Nebraska, requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for Kennedy Square East, a HOME-assisted project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 21, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any participating jurisdiction or grantee located in the declared-disaster area (see FEMA-DR-4699-CA) affected by the severe winter storms, straight-line winds, flooding, landslides, and mudslides in California.

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from May 17, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4699-CA).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. And section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after May 17, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after May 17, 2023. The other provisions of 24 CFR 92.209(h) are not waived.

The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after May 17, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas (see FEMA-DR-4699-CA).

Nature of Requirement: Section 220(a) of NAHA and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those

needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4699-CA).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of May 17, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4699-CA).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary.

Date Granted: May 17, 2023.

Reason Waived: Many families whose homes were destroyed or damaged by the

disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective. This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from May 17, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any participating jurisdiction or grantee located in the declared-disaster area (see FEMA-DR-4701-TN) affected by the severe storms, straight-line winds, and tornadoes in Tennessee.

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as evidenced by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from May 17, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced

by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4701-TN).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. And section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after May 17, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after May 17, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after May 17, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35,

subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas (see FEMA-DR-4701-TN).

Nature of Requirement: Section 220(a) of NAHA and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on a case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4701-TN).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of

housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of May 17, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4701-TN).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective. This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from May 17, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of

Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any insular area located in the declared-disaster area (see FEMA-DR-4715-GU) affected by Typhoon Mawar.

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the insular area to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: This waiver applies only to families displaced by the disaster (as evidenced by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from June 26, 2023. The insular area or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster area (see FEMA-DR-4715-GU).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that an insular area may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. And section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving these provisions will provide the insular area with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to the insular area in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts the insular area executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the insular area, for a period of 24 months after June 26, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance the insular area may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after June 26, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the insular area for a period of 24 months after June 26, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster area (see FEMA-DR-4715-GU).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: This waiver is required to enable the insular area to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units which were damaged by the disaster and to which HOME funds are committed within two years of June 26, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of

Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster area (see FEMA-DR-4715-GU).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective. This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the insular area) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from June 26, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

Modified Waiver and Alternative Requirement To Provide Rental Assistance

• *Regulation:* Alternative requirement to 42 U.S.C. 5305(a)(8) in section II.B.6. of the Community Development Block Grant Disaster Recovery (CDBG-DR) Consolidated Notice published in the **Federal Register** on February 3, 2022, at 87 FR 6364 (the "February 2022 Notice"), May 24, 2022 at 87 FR 31636 (the "May 2022 Notice"), and January 18, 2023 at 88 FR 3198 (the "January 2023 Notice")

Project/Activity: The use of CDBG-DR funds for emergency grant payments as tenant-based and other forms of rental assistance to households impacted by disasters eligible under Public Laws 117-43 and 117-180 (together, the "Appropriations Acts").

Nature of Requirement: The February 2022, May 2022, and January 2023 notices published in the **Federal Register** included the Consolidated Notice as Appendix B and

made the Consolidated Notice applicable to CDBG-DR allocations identified in those notices. In the Consolidated Notice, HUD waived and modified 42 U.S.C. 5305(a)(8) to impose an alternative requirement for the use of CDBG-DR funds for emergency grant payments to extend interim mortgage assistance from three months to up to twenty months. The States of Louisiana, New Jersey, and Oregon received CDBG-DR grants subject to the February 2022, May 2022, or January 2023 **Federal Register** notice and requested a waiver and further modification of 42 U.S.C. 5305(a)(8) to also provide emergency grant payments as tenant-based and other forms of rental assistance to households impacted by disasters eligible under the Appropriations Acts. *Granted By:* Adrienne Todman, Deputy Secretary.

Date Granted: May 18, 2023.

Reason Waived: After reviewing each grantee's request and based on the good cause provided, HUD waived and further modified 42 U.S.C. 5305(a)(8) to expand the definition of public service to include the following activity: provision of rental assistance (*e.g.* rent, security deposits, and utility deposits) and utility payments for up to 24 months for the States of Louisiana, New Jersey, and Oregon.

The goals of this waiver and alternative requirement are to prevent and minimize the time households are experiencing or are at risk of experiencing homelessness as a result of the qualifying disaster and to provide additional time to stabilize persons or households in permanent housing by providing rental assistance, rapid rehousing services, and/or intermediate housing (*e.g.*, including for homeowners during repairs).

Applicability: This waiver and modified alternative requirement is applicable to the State of Louisiana, State of New Jersey, and State of Oregon CDBG-DR funds appropriated for major disasters occurring in 2020 and 2021 under the Appropriations Acts. The alternative requirement for the provision of rental assistance (*e.g.* rent, security deposits, and utility deposits) and utility payments for up to 24 months is subject to the following requirements: the activity is subject to the 15 percent cap on public services and no beneficiary may receive more than a total of 24 months (for Louisiana, New Jersey, Oregon) of this type of assistance, HUD may further extend the waiver and alternative requirements administratively, if requested by the grantees and good cause for such an extension exists at that time, and a homeowner receiving any form of CDBG-DR interim mortgage assistance is not eligible for rental assistance or utility payments as authorized by this waiver and alternative requirement. This alternative requirement does not relieve grantees of the duty to comply with other applicable requirements relating to the temporary relocation or permanent displacement of persons.

Contact: Tennille S. Parker, Director, Office of Disaster Recovery, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 708-3587.

Reimbursement Extension Waiver and Alternative Requirement

• *Regulation:* Section III.F.5 of the Community Development Block Grant disaster recovery (CDBG–DR) Consolidated Notice published in the **Federal Register** on February 3, 2022, at 87 FR 6364 (the “February 2022 Notice”), May 24, 2022 at 87 FR 31636 (the “May 2022 Notice”), and January 18, 2023 at 88 FR 3198 (the “January 2023 Notice”).

Project/Activity: CDBG–DR funds allocated to the State of Louisiana pursuant to the Disaster Relief Supplemental Appropriations Act, 2022 (Pub. L. 117–43) approved September 30, 2021, for major disasters occurring in 2020 and 2021, and the Continuing Appropriations Act, 2023 (Pub. L. 117–180) approved September 30, 2022, for major disasters occurring in 2021 (together, the “Appropriations Acts”).

Nature of Requirement: The February 2022, May 2022, and January 2023 notices published in the **Federal Register** included the Consolidated Notice as Appendix B and made the Consolidated Notice applicable to the CDBG–DR allocations identified in those notices. Specifically, paragraph III.F.5 of the Consolidated Notice permits grantees to charge to grants the pre-award and pre-application costs of homeowners, renters, businesses, and other qualifying entities for eligible costs these applicants have incurred in response to an eligible disaster covered under the grantee’s applicable **Federal Register** notices. In addition to other requirements, paragraph III.F.5 stipulates that grantees may charge to the grant the eligible pre-application costs of individuals and private entities related to single family, multifamily, and nonresidential buildings, only if (1) the person or private entity incurred the expenses within one year after the applicability date of the grantee’s Allocation Announcement Notice (or within one year after the date of the disaster, whichever is later); and (2) the person or entity pays for the cost before the date on which the person or entity applies for CDBG–DR assistance. The Department received a request and justification from the State of Louisiana to extend the February 8, 2023 deadline to December 31, 2023 for eligible pre-application costs.

Granted By: Adrienne Todman, Deputy Secretary.

Date Granted: June 28, 2023.

Reason Waived: After reviewing the grantee’s request, the Department determined there was good cause to modify the alternative requirement in paragraph IV.B.1. of the January 2023 notice to change the February 8, 2023 deadline to December 31, 2023 for all funds provided to Louisiana under the Appropriations Acts. The waiver and alternative requirement will allow the State of Louisiana to better track expenses, avoid confusion, and apply a uniform time frame for reimbursement of all pre-application costs for 2020 and 2021 disasters.

Applicability: This waiver is applicable to the CDBG–DR funds appropriated for major disasters occurring in 2020 and 2021 under the Appropriations Acts for the State of Louisiana only. I last date that persons or private entities could incur otherwise

allowable, reimbursable pre-application costs is December 31, 2023, or the date of application to the State for assistance, whichever is earlier. For any applicant that submits an application to the State prior to the reimbursement deadline of December 31, 2023, the period to incur allowable, reimbursable pre-application costs would be from the date of the initial disaster to the date of the application. When reimbursing eligible pre-award and pre-application costs of homeowners, renters, businesses, and other qualifying entities, the State is reminded to follow all other requirements described in paragraph III.F.5 of the Consolidated Notice.

Contact: Tennille S. Parker, Director, Office of Disaster Recovery, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 708–3587.

Waiver and Alternative Requirement for One-for-One Replacement Housing Requirements for the Cdbg-Dr Mitigation Set-Aside

• *Regulation:* One-for-one replacement requirements in section 104(d)(2)(A)(i) and (ii) and (d)(3) of the Housing and Community Development Act of 1974 (HCDA) (42 U.S.C 5304(d)(2)(A)(i) and (ii) and (d)(3) and 24 CFR 42.375 in section IV.F.1. of the Consolidated Notice published in the **Federal Register** on February 3, 2022, at 87 FR 6364 (the “February 2022 Notice”), May 24, 2022 at 87 FR 31636 (the “May 2022 Notice”), and January 18, 2023, at 88 FR 3198 (the “January 2023 Notice”).

Project/Activity: Community Development Block Grant disaster recovery (CDBG–DR) funds allocated to the State of Louisiana pursuant to the Disaster Relief Supplemental Appropriations Act, 2022 (Pub. L. 117–43) approved September 30, 2021, for major disasters occurring in 2020 and 2021, and the Continuing Appropriations Act, 2023 (Pub. L. 117–180) approved September 30, 2022, for major disasters occurring in 2021 (together, the “Appropriations Acts”).

Nature of Requirement: The Appropriations Acts require HUD to include in any allocation of CDBG–DR funds for unmet needs an additional amount of 15 percent for mitigation activities (the “CDBG–DR mitigation set-aside”). The February 2022, May 2022, and January 2023 notices published in the **Federal Register** govern the use of funds allocated from the Appropriations Acts. These **Federal Register** notices included the Consolidated Notice as Appendix B and made the Consolidated Notice applicable to the CDBG–DR allocations identified in those notices.

Specifically, section IV.F.1. of the Consolidated Notice waives the one-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA (42 U.S.C 5304(d)(2)(A)(i) and (ii) and (d)(3)) and 24 CFR 42.375 for owner-occupied lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. Section 104(d) one-for-one replacement housing requirements apply to occupied and vacant occupiable lower-income dwelling units demolished or converted in connection with a CDBG assisted activity. Section 104(d) and 24 CFR

42.375 require that all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than as lower-income dwelling units in connection with a CDBG-assisted activity must be replaced with comparable lower-income dwelling units. Section 104(d) and 24 CFR 42.375 also require that before the CDBG recipient commits funds for any activity that will directly result in the demolition of lower-income dwelling units or the conversion of lower-income dwelling units to another use, the recipient must make a public submission that describes the project and how the one-for-one replacement requirements will be met, along with a written submission to the HUD field office. This waiver expands the waiver provisions of section IV.F.1. of the Consolidated Notice to exempt all owner-occupied lower-income dwelling units funded under the relevant CDBG–DR mitigation set aside for the State of Louisiana that meet the grantee’s definition of “not suitable for rehabilitation” from the one-for-one replacement housing requirements of 24 CFR 42.375.

Granted By: Adrienne Todman, Deputy Secretary.

Date Granted: June 28, 2023.

Reason Waived: After reviewing the grantee’s request, the Department finds there is good cause to waive the one-for-one replacement requirements in section 104(d)(2)(A)(i) and (ii) and (d)(3) (of the Housing and Community Development Act of 1974 (HCDA) 42 U.S.C 5304(d)(2)(A)(i) and (ii) and (d)(3)) and 24 CFR 42.375 for the grantee’s CDBG–DR mitigation set-aside only. One-for-one replacement housing requirements at section 104(d)(2)(A)(i) and (ii) and 104(d)(3) of the HCDA (42 U.S.C 5304(d)(2)(A)(i) and (ii) and (d)(3)) and 24 CFR 42.375 are waived for all demolished or converted lower income dwelling units that are eligible through the CDBG–DR mitigation set-aside to permanently move people and/or property out of harm’s way as part of a housing mitigation activity, such as a buyout, that addresses a risk identified in a grantee’s risk-based mitigation needs assessment.

This waiver exempts lower-income dwelling units that meet the grantee’s definition of “not suitable for replacement” from the one-for-one replacement requirements, since activities funded by the CDBG–DR mitigation set-aside may be removing housing units that are not damaged by the qualified disaster but still are necessary to address mitigation risk. This waiver and alternative requirement will not apply retroactively and will only apply to the eligible CDBG–DR mitigation set-aside activities identified in the February 2022 Notice, the May 2022 Notice, and January 2023 Notice.

Applicability: This waiver is applicable to the CDBG–DR funds appropriated for major disasters occurring in 2020 and 2021 under the Appropriations Acts for the State of Louisiana only. This waiver exempts lower-income dwelling units that meet the grantee’s definition of “not suitable for replacement” from the one-for-one replacement requirements, since activities funded by the CDBG–DR mitigation set-aside may be removing housing units that are not damaged

by the qualified disaster but still are necessary to address mitigation risk. This waiver and alternative requirement will not apply retroactively and will only apply to the eligible CDBG-DR mitigation set-aside activities identified in the February 2022 Notice, the May 2022 Notice, and January 2023 Notice.

Before carrying out activities under the CDBG-DR mitigation set-aside that may be subject to the one-for-one replacement requirements, the grantee must define “not suitable for replacement” in its action plan or in policies and procedures governing these activities. When working to move people and/or property out of harm’s way, requiring replacement housing units to be located within the same neighborhood can be inconsistent with the purposes of the CDBG-DR mitigation set-aside and is not always feasible because these areas have been identified to have current and future disaster risks, as described in the grantee’s mitigation needs assessment.

Even when using the CDBG-DR mitigation set-aside, the grantee must reassess post-disaster population and housing needs relative to the mitigation needs assessment to determine the appropriate type and amount of lower-income dwelling units to rehabilitate or reconstruct. The grantee must include this analysis in its program files with a description of how the CDBG-DR mitigation set-aside funds or other sources, including CDBG-DR funds, will be used to address housing and mitigation needs for residents of lower-income dwelling units. The grantee should note that the demolition and/or disposition of public housing units continue to be subject to section 18 of the United States Housing Act of 1937, as amended, and 24 CFR part 970.

Contact: Tennille S. Parker, Director, Office of Disaster Recovery, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 708-3587.

• *Regulation:* 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i), and 24 CFR 91.401.

Project/Activity: The State of Arkansas and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR-4698-AR) seeking to expedite action in response to severe storms and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, as may be amended (the “Arkansas declared-disaster areas”) and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Several CPD grantees were affected by severe storms and tornadoes that hit Arkansas and received a major disaster declaration on April 2, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Arkansas declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Arkansas and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Arkansas declared-disaster areas (see DR-4698-AR) seeking to expedite action in response to severe storms and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Arkansas declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe storms and tornadoes that hit Arkansas and received a major disaster declaration on April 2, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Arkansas declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development,

Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

• *Regulation:* 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Arkansas severe storms and tornadoes.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. “Income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe storms and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Arkansas declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe tornadoes and storms on an interim basis. This authority is in effect through the end of the grantee’s 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i), and 24 CFR 91.401.

Project/Activity: The State of Tennessee and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR-4701-TN) seeking to expedite action in response to Tennessee severe storms, straight-line winds, and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (Stafford Act), DR-4701-TN, dated April 7, 2023, as may be amended (the “Tennessee declared-disaster areas”) and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Several CPD grantees were affected by severe storms, straight-line winds, and tornadoes that hit Tennessee and received a disaster declaration April 7, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Tennessee declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Tennessee and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Tennessee declared-disaster areas (see DR-4701-TN) seeking to expedite action in response to severe storms, straight-line winds, and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Tennessee declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe storms, straight-line winds, and tornadoes that hit Tennessee and received a major disaster declaration on April 7, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Tennessee declared-disaster areas were

displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Tennessee severe storms, straight-line winds, and tornadoes.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. “Income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe storms, straight-line winds, and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Tennessee declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe tornadoes and storms on an interim basis. This authority is in effect through the end of the grantee’s 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i), and 24 CFR 91.401.

Project/Activity: The State of California and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area seeking to expedite action in response to California severe winter storms, straight-line winds, flooding, landslides, and mudslides, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4699-CA, dated April 3, 2023, as may be amended (the “California declared-disaster areas”) and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Several CPD grantees were affected by severe winter storms, straight-line winds, flooding, landslides, and mudslides and received a major disaster declaration on April 3, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the California declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of California and any HUD Community Planning and Development (CPD) grantee located in the counties included in the California declared-disaster areas (see DR-4699-CA) seeking to expedite action in response to severe winter storms, straight-line winds, flooding, landslides, and mudslides, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the California declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to

provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe winter storms, straight-line winds, flooding, landslides, and mudslides that received a major disaster declaration on April 3, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the California declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- *Regulation:* 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with California severe winter storms, straight-line winds, flooding, landslides, and mudslides.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe storms, straight-line winds, and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the California declared-disaster areas, to pay for the basic daily needs of individuals and families

affected by the severe winter storms, straight-line winds, flooding, landslides, and mudslides on an interim basis. This authority is in effect through the end of the grantee's 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- *Regulation:* 24 CFR 91.105(c)(2) and (k) and 24 CFR 570.440(i)(2).

Project/Activity: Guam's interest in expediting action in response to Typhoon Mawar, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for Guam, which received a major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4715-GU, dated May 25, 2023, as may be amended (the "Guam declared-disaster areas") and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 570.440(i)(2) require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Guam was severely affected by Typhoon Mawar that hit the island, and received a major disaster declaration on May 25, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Guam were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- *Regulation:* 24 CFR 91.105(c)(2) and (k) and 24 CFR 570.441(b).

Project/Activity: Guam's interest in expediting action in response to Typhoon Mawar, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for Guam and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations 24 CFR 91.105(c)(2) and (k) and 24 CFR

570.441(b) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: As stated above, Guam was severely affected by Typhoon Mawar and received a major disaster declaration on May 25, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Guam were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow Guam to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- *Regulation:* 24 CFR 570.420(b)(3)(ii) and 24 CFR 570.207(b)(4).

Project/Activity: Guam's assistance with persons and families who have registered with FEMA in connection with Typhoon Mawar.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.420(b)(3)(ii) and 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with Typhoon Mawar. The waiver will allow Guam to pay for the basic daily needs of individuals and families affected by the typhoon on an interim basis. This authority is in effect through the end of the Guam's 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-

month periods allowed by waiver for CDBG and CDBG—CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

Mega-Waiver for Arkansas Severe Storms and Tornadoes—Housing Opportunities for Persons With AIDS (HOPWA) Program

On April 11, 2023, HUD issued an updated memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Arkansas severe storms and tornadoes in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, as may be amended (the “declared-disaster areas”).

- *Regulation:* 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Notice PIH 2017-20 (HA). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of April 11, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

- *Regulation:* 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on April 11, 2023, for any individual or family who is renting or

executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident’s rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD-22-10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD-22-10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community

Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

- *Regulation:* 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of April 11, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member’s self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

Mega-Waiver for Tennessee Severe Storms, Straight-Line Winds, and Tornadoes—Housing Opportunities for Persons With AIDS (HOPWA) Program

On May 17, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Tennessee severe storms, straight-line winds, and tornadoes in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4701-TN, dated April 7, 2023, as may be amended (the “declared-disaster areas”).

- *Regulation:* 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening

conditions as defined in Notice PIH 2017–20 (HA). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of May 17, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, lisa.a.steinhauer@hud.gov.

- **Regulation:** 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on May 17, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of any rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD–22–10 Clarification of

Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD–22–10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, lisa.a.steinhauer@hud.gov.

- **Regulation:** 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of May 17, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA

assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, lisa.a.steinhauer@hud.gov.

Mega-Waiver for California Severe Winter Storms, Straight-Line Winds, Flooding, Landslides, and Mudslides—Housing Opportunities for Persons With AIDS (HOPWA) Program

On May 17, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from California severe winter storms, straight-line winds, flooding, landslides, and mudslides in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4699–CA, dated April 3, 2023, as may be amended (the “declared-disaster areas”).

- **Regulation:** 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Notice PIH 2017–20 (HA). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of May 17, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, lisa.a.steinhauer@hud.gov.

- **Regulation:** 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as

provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on May 17, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD-22-10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD-22-10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units

immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

• **Regulation:** 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of May 17, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

Mega-Waiver for Guam Typhoon Mawar—Housing Opportunities for Persons With AIDS (HOPWA) Program

On June 26, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Guam Typhoon Mawar in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4715-GU, dated May 25, 2023, as may be amended (the "declared-disaster areas").

• **Regulation:** 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to

the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of June 26, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861-7651, lisa.a.steinhauer@hud.gov.

I. Mega-Waiver for Arkansas Severe Storms and Tornadoes—CoC

On April 11, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and tornadoes in areas of Arkansas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, and as may be amended (the "declared-disaster areas"). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

• **Regulation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One Year Lease Requirement

• **Regulation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original

permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One-Time Limit on Moving Costs

• **Regulation:** 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• **Regulation:** 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• **Regulation:** 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24

CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by severe storms and tornadoes in Arkansas by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

II. Mega-Waiver for Arkansas Severe Storms and Tornadoes—ESG

On April 11, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and tornadoes in areas of Arkansas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

- *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms and tornadoes in Arkansas; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may

be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families

whose housing was damaged or who were displaced as a result of severe storms and tornadoes in Arkansas. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Housing Standards

- *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: (1) Each unit must still meet applicable state and local standards; (2) Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and (3) Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

- *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from

receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: (1) The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms and tornadoes in Arkansas; (2) The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; (3) The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and (4) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the references to "lease" to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 11, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

III. Mega-Waiver for Tennessee Severe Storms, Straight-Line Winds, and Tornadoes—CoC

On May 17, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Tennessee severe storms, straight-line winds, and tornadoes covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 7, 2023, and as may be amended (the "declared-disaster areas"). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the date of the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1)

requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One-Time Limit on Moving Costs

- *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit

while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

- *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

- *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver

so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by severe storms, straight-line winds, and tornadoes in Tennessee by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

IV. Mega-Waiver for Tennessee Severe Storms, Straight-Line Winds, and Tornadoes—ESG

On May 17, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms, straight-line winds, and tornadoes in areas of Tennessee covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

- *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and

Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Tennessee; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

• *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected

recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe storms, straight-line winds, and tornadoes in Tennessee. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Housing Standards

• *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: (1) Each unit must still meet applicable state and local standards; (2) Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and (3) Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

• *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

• *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and

rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- **Regulation:** 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: (1) The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Tennessee; (2) The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; (3) The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and (4) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the references to "lease" to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room

7262, Washington, DC 20410, telephone number (202) 708-4300.

V. Mega-Waiver for California Severe Winter Storms, Straight-Line Winds, Flooding, Landslides, and Mudslides—CoC

On May 17, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from California severe winter storms, straight-line winds, flooding, landslides, and mudslides covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 3, 2023, and as may be amended (the "declared-disaster areas"). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- **Regulation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the date of the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development,

Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One Year Lease Requirement

- **Regulation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One-Time Limit on Moving Costs

- **Regulation:** 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to

using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster

due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipient to house people impacted from severe winter storms, straight-line winds, flooding, landslides, and mudslides in California by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

VI. Mega-Waiver for California Severe Winter Storms, Straight-Line Winds, Flooding, Landslides, and Mudslides—Esg

On May 17, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe winter storms, straight-line winds, flooding, landslides, and mudslides in areas of California covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated April 2, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe winter storms, straight-line winds, flooding, landslides, and mudslides in California; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management

assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- **Regulation:** 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe winter storms, straight-line winds, flooding, landslides, and mudslides in California. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Housing Standards

- **Regulation:** 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: (1) Each unit must still meet applicable state and local standards; (2) Each unit must be free of life-threatening

conditions as defined in Notice PIH 2017-20 (HA); and (3) Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

- **Regulation:** 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- **Regulation:** 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-

housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- **Regulation:** 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: (1) The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe winter storms, straight-line winds, flooding, landslides, and mudslides in California; (2) The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; (3) The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and (4) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the

references to “lease” to apply to the program participant’s sublease or lease with the primary leaseholder.

Nature of Requirement: The use of “owner” and “lease” in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner’s agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 17, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

VII. Mega-Waiver for Guam Typhoon Mawar—CoC

On June 26, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Typhoon Mawar in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4715–GU, dated May 25, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

• **Regulation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the date of the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing

projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—One Year Lease Requirement

• **Regulation:** 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many

landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—One-Time Limit on Moving Costs

• **Regulation:** 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• **Regulation:** 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning

on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• **Regulation:** 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by Typhoon Mawar by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

VIII. Mega-Waiver for Guam Typhoon Mawar—ESG

On June 26, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Typhoon Mawar in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4715-GU, dated May 25, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• **Regulation:** 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of Typhoon Mawar; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than

three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

• **Regulation:** 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of Typhoon Mawar. Waiving the FMR restriction will make more

units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Housing Standards

- *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: (1) Each unit must still meet applicable state and local standards; (2) Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and (3) Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

- *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: (1) The individual or family lives in the declared-

disaster area or was displaced from the declared-disaster area as a result of Typhoon Mawar; (2) The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; (3) The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and (4) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the references to "lease" to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 26, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

II. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 982.505(c)(4) Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term.

Project/Activity: Notice PIH 2022-30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an extension of the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination.

Reason Waived: Extension for PHAs that were granted to the opportunity to apply for

certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver request in

accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 7th St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHAs	Date granted
Selma Housing Authority	6/9/2023
Arkadelphia Housing Authority	6/9/2023
Hot Springs Housing Authority	6/9/2023
Conway County Housing Authority	5/18/2023
St. Francis County Housing Authority	5/18/2023
Housing Authority of the City of Hawaiian Gardens	5/16/2023
Housing Authority of Pompano Beach	4/11/2023
County of Maui	5/18/2023
Housing Authority of the City of Richmond	6/9/2023
Housing Authority of the City of New Albany	4/11/2023
Housing Authority of the City of Tell City	6/9/2023
Housing Authority of the City of Jeffersonville	6/9/2023
Linton Housing Authority	4/24/2023
Indiana Housing And Community Development Au	6/9/2023
Topeka Housing Authority	4/24/2023
Laurel County Section 8 Housing	5/9/2023
Housing Authority of the City of Annapolis	6/9/2023
Kent County Housing Commission	5/30/2023
HRA of Fergus Falls, Minnesota	5/9/2023
Stevens County HRA	5/9/2023
Lafayette County Housing Authority	5/30/2023
Isothermal Planning & Development Commission	5/18/2023
Housing Authority of Cass County	6/9/2023
Norfolk Housing Agency	4/11/2023
Brick Housing Authority	4/24/2023
West Orange Housing Authority	6/9/2023
Santa Fe Civic Housing Authority	5/30/2023
Southern Nevada Regional Housing Authority	4/11/2023
Glens Falls Housing Authority	6/9/2023
Knox Metropolitan Housing Authority	5/18/2023
Municipality of San Juan	4/24/2023
Municipality of Guayanilla	4/11/2023
Jackson Housing Authority	4/11/2023
Etowah Housing Authority	5/18/2023
Logan City Housing Authority	6/9/2023
CDA of the City of West Allis	5/9/2023
Grand Junction Housing Authority	6/30/2023
Central Iowa Regional Housing Authority	6/30/2023
Westfield Housing Authority	6/30/2023
Housing Authority of the City of Camden	6/30/2023
Wayne Metropolitan Housing Authority	6/30/2023
Morrow Metropolitan Housing Authority	6/30/2023
Housing Authority of the County of Lycoming	6/30/2023
Bear River Regional Housing Authority	6/30/2023
Sheboygan Housing Authority	6/30/2023

• *Regulation:* 24 CFR 982.503(b) Voucher Tenancy: New Payment Standard Amount.

Project/Activity: Notice PIH 2022–30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an extension of expedited waiver(s) to allow for establishment of payment standards from 111 to 120 percent of the FMR.

Reason Waived: Extension for PHAs that were granted to the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver request in accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 7th St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHAs	Date granted
Selma Housing Authority	6/9/2023
Arkadelphia Housing Authority	6/9/2023
Little River County Housing Authority	5/30/2023
Hot Springs Housing Authority	6/9/2023
Wynne Housing Authority	4/24/2023
Jonesboro Urban Renewal HA	5/9/2023
Conway County Housing Authority	5/18/2023
St. Francis County Housing Authority	5/18/2023
City of Oceanside Community Development Comm	4/24/2023
Housing Authority of the City of Hawaiian Gardens	5/9/2023
Housing Authority of the City of Lakeland	6/14/2023
Housing Authority of Pompano Beach	4/11/2023
Housing Authority of the County of Dekalb, GA	4/24/2023
Eastern Iowa Regional Housing Authority	5/18/2023
Housing Authority of the City of Bloomington, IL	4/24/2023
Housing Authority of the County of McLean, Ill	4/24/2023
Housing Authority of the City of Richmond	6/9/2023
Housing Authority of the City of New Albany	4/11/2023
Housing Authority of the City of Tell City	6/9/2023
Housing Authority of the City of Jeffersonville	6/9/2023
Linton Housing Authority	4/24/2023
Indiana Housing And Community Development Au	6/9/2023
Topeka Housing Authority	4/24/2023
Housing Authority of Mayfield	4/11/2023
Housing Authority of Springfield	5/30/2023
Laurel County Section 8 Housing	5/9/2023
HRA of Fergus Falls, Minnesota	5/9/2023
Stevens County HRA	5/9/2023
Housing Authority of Kansas City, Missouri	5/18/2023
Lee's Summit Housing Authority	5/18/2023
Lafayette County Housing Authority	5/30/2023
Isothermal Planning & Development Commission	5/18/2023
Omaha Housing Authority	4/11/2023
Douglas County Housing Authority	5/30/2023
Norfolk Housing Agency	4/11/2023
West Central Nebraska Joint Housing Authority	4/11/2023
Housing Authority of the City of Orange	5/18/2023
Irvington Housing Authority	6/9/2023
Brick Housing Authority	4/24/2023
West Orange Housing Authority	6/9/2023
Santa Fe Civic Housing Authority	5/30/2023
Glens Falls Housing Authority	6/9/2023
Town of Brookhaven HCDIA	5/18/2023
Boonville Housing Authority	5/18/2023
Knox Metropolitan Housing Authority	5/18/2023
Logan County Metropolitan Housing Authority	5/9/2023
Fayette County Housing Authority	5/18/2023
Housing Authority of the County of Chester	4/11/2023
Housing Authority of the County of Bedford	5/18/2023
Jackson Housing Authority	4/11/2023
Etowah Housing Authority	5/18/2023
Housing Authority of the City of Pearsall	5/18/2023
Cedar City Housing Authority	5/9/2023
HA of Island County	4/24/2023
Mauston Housing Authority	4/11/2023
Grand Junction Housing Authority	6/30/2023
Housing Authority of the City of Lakeland	6/14/2023
Housing Authority of the City of Homestead	6/30/2023
Collier County Housing Authority	6/27/2023
Westfield Housing Authority	6/30/2023
Rice County HRA	6/30/2023
Housing Authority of the City of Camden	6/30/2023
Wayne Metropolitan Housing Authority	6/30/2023
Morrow Metropolitan Housing Authority	6/30/2023
Sheboygan Housing Authority	6/30/2023

• *Regulation:* 24 CFR 982.503(c) (HUD approval of exception payment standard amount).

Project/Activity: FR-6301-N-01 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public

Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited

process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the

expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 7th St. SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Disaster_Relief@hud.gov.

PHAs	Date granted
Little Rock Housing Authority	4/21/2023

- *Regulation:* 24 CFR 983.202(b)(2), 24 CFR 983.210(a), (c), (d), 24 CFR 983.351(a)(1), 24 CFR 983.260.

Project/Activity: Request for waivers from the U.S. Department of Housing and Urban Development (“HUD”) to facilitate payment of Housing Assistance Payments (“HAP”) while Section 8-assisted households are temporarily moved from their existing units.

Nature of Requirement: (1) 24 CFR 983.202(b)(2) so that, during the Temporary On-Site Move Period, housing assistance will be paid for units under contract and occupied by eligible households, an addendum to the lease will be executed for the Temporary Units covering the period it takes to complete necessary health and safety improvements. (2) 24 CFR 983.210(a) for the units that are unoccupied while lead abatement is being completed so that those units do not need to be in good and tenantable condition or meet HQS during that time period. NYCHA recognizes that protections and procedures must be in place to minimize health and safety risks while work is being completed in unoccupied units. (3) 24 CFR 983.210(c) so that the contract unit, for which the owner is receiving housing assistance, will be covered by any addendums subject to the temporary unit and ensure equal tenant protections during the period it takes to complete necessary health and safety improvements while the original tenant lease remains in place. (4) 24 CFR 983.210(d) so that while tenants are temporarily moved, they may continue to maintain residency at their leased unit. (5) 24 CFR 983.351(a)(1) so that housing assistance payments shall be made for the months during which a contract unit is leased, or for a Temporary Units, under a lease addendum. NYCHA recognizes that no housing assistance payments shall be made for units that are unoccupied. (6) 24 CFR 983.260 so that during the Temporary On-Site Move Period, families may occupy units that are larger than their leased unit and include accessibility features the family does not require.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 12, 2023.

Reason Waived: Allowing the families to temporarily move to units on-site, under the execution of only one lease, will limit residents’ exposure to hazardous material during LBP abatement and ensure the necessary rehabilitation work is completed expeditiously for families to safely move back into their original unit as soon as possible.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian

Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (971) 222–2667.

- *Regulation:* 24 CFR 982.207(a)(1) and 24 CFR 903.17.

Project/Activity: Requesting waiver of 24 CFR 982.207(a)(1). The preference will grant Housing Choice Vouchers (HCVs) for families and individuals referred through the Continuum of Care (Coc) Coordinated Entry System (CES) who met eligibility requirements under LACDA’s EHV program.

Nature of Requirement: As described by the LACDA, its governing body requires approval from two separate boards, the Los Angeles County Board of Supervisors (serving as its Board of Commissioners) and its Housing Advisory Committee. Approval of revisions to its administrative plan from each body requires a minimum of 60 days, and the LACDA would like to adopt its EHV preference as soon as possible so that families issued an EHV can receive assistance as they secure housing units. Your letter notes the urgency to serve EHV families searching for a unit, many of whom are currently experiencing unsheltered homelessness and at risk of losing their selected housing.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 20, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, I have determined that there is good cause to waive, and I hereby waive, 24 CFR 982.54(a) to allow the LACDA to implement the limited waiting list preference while it secures full Board approval.

Contact: Emily J. Warren, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–0614.

- *Regulation:* 24 CFR 200.320(b)(2)(i).

Project/Activity: St. Louis Housing Authority’s (SLHA) request for a non-competitive procurement that exceeds the small procurement threshold.

Nature of Requirement: The regulation at 24 CFR 200.320(b)(2)(i) requires that requests for proposals be publicized and solicited from an adequate number of qualified offerors.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 28, 2023.

Reason Waived: Due to several examples of negligence by the current Management Agent

(MA), that jeopardizes the safety for residents and viability of the public housing program an expedited procurement is needed to quickly address these issues by finding a new MA. Given the circumstances presented, good cause has been shown for the noncompetitive procurement of a new MA and HUD authorizes the noncompetitive procurement of a new Management Agent for SLHA based on the public exigency outlined in the SLHA’s letter.

Contact: Bernita C. James, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402–7169.

- *Regulation:* 24 CFR 982.401(a)(2) and (4).

Project/Activity: The Housing Authority of the City of Austin (HACA) and the Housing Authority of Travis County (HATC) with their Continuum of Care, Ending Community Homelessness Coalition (ECHO), sent a letter to the U.S. Department of Housing and Urban Development (HUD) requesting a waiver of 24 CFR 982.401(a)(2) and (4) to allow the Single Room Occupancy (SRO) units at the Community First! Village (CFV) to pass a Housing Quality Standards (HQS) inspection. The units at the CFV are a critical part of Austin’s response to HUD’s House America campaign. This waiver would enable some of the 600 unsheltered homeless in the Austin, TX, area to live in these units using voucher assistance.

Nature of Requirement: The HACA and the HATC are requesting this waiver due to a severe lack of affordable housing in the Austin, TX area, and a homelessness crisis. The HACA stated that they have individuals searching for units using vouchers, including those with HUD–VASH and Emergency Housing Vouchers, and they are not able to find other suitable units. Providing a waiver to 24 CFR 982.605(b)(2)(i)(A) would expand housing opportunities for these individuals giving them a viable housing option at the CFV. There are dozens of units available at the CFV and plans to build more. Furthermore, the CFV has been open for eight years and the founder of the community, Alan Graham, stated in an April 6 phone call with the Department that the ratio of occupants to bathrooms and showers has not been an issue.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 17, 2023.

Reason Waived: I have determined, pursuant to the waiver authority provided at 24 CFR 5.110, that there is good cause to waive, and I hereby waive, 24 CFR

982.605(b)(2)(i)(A) to allow the Phase 1 and 2 units at the CFV with more than 6 occupants per bathroom and shower to pass an HQS inspection. As an alternative requirement, existing units at the CFV may be approved if there is one bathroom (with flush toilet and lavatory basin) for each 7 occupants and one shower for each 9.5 occupants. If units are constructed in the future, the HACA and the HATC need to provide good cause for any future waiver. HUD cannot grant a waiver covering presently non-existing units, that may be constructed years later, at which time the factual circumstances regarding housing in the area and good cause may have changed. The HACA and the HATC may request another waiver for the units in the future phases after they are built.

Contact: Molly K. Allen, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402–6369.

- **Regulation:** Waiver of Applicable Regulations to Allow HABC to Apply MTW Flexibilities to Families with VASH Vouchers.

Project/Activity: The Housing Authority of Baltimore City (HABC) has submitted a request to waive applicable regulations to allow HABC to apply MTW flexibilities to families with VASH vouchers. HABC has an allocation of 586 VASH vouchers and 484 of those vouchers are currently under lease.

Nature of Requirement: HABC established these specific additional flexibilities with the objectives of streamlining policies to expedite voucher issuance, simplify program processes, increase staff efficiency, expedite leasing, and improve customer service for both program participants and stakeholders.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 17, 2023.

Reason Waived: It has been determined that the application of the above listed MTW flexibilities would not have a negative impact on HUD–VASH participants and could help more effectively serve HUD–VASH families in your PHA’s jurisdiction. In addition, the MTW flexibilities do not conflict with the HUD–VASH Operating Requirements.

Contact: Jerrienne Anthony, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–0614.

- **Regulation:** 24 CFR 984.303(d).

Project/Activity: Belmont Housing Resources FSS.

Nature of Requirement: “. . . (d) *Contract extension.* The PHA shall, in writing, extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that the PHA finds that good cause exists for granting the extension. The family’s written request for an extension must include a description of the need for the extension. As used in this paragraph (d), “good cause” means circumstances beyond the control of the FSS

family, as determined by the PHA, such as a serious illness or involuntary loss of employment. Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family’s FSS account in accordance with § 984.304 . . .”

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 6, 2023.

Reason Waived: The FSS participant was ineligible to graduate at the expiration of the extension, because he lost his job due to the COVID–19 pandemic and was subsequently injured and permanently disabled by a car accident during his contract extension. BHR submitted a waiver request on September 21, 2022, prior to the end date of the FSS participant’s Contract of Participation, seeking a waiver of 24 CFR 984.303(d) that would allow for an additional six-month extension of the FSS participant’s Contract of Participation.

Contact: Jayme Brown, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402–3624.

- **Regulation:** 24 CFR 983.51(b)(1).

Project/Activity: Requesting a waiver of 24 CFR 983.51(b) in order to allow the Housing Authority of LaSalle County (HALC) to select a project for project-based voucher (PBV) assistance without undergoing a competitive process or based on a previous competition. You are seeking this waiver request so that your agency can non-competitively select Saratoga Towers (Project), a 95-unit apartment property located at 1700 Newton Place, Morris, Illinois, for PBV assistance.

Nature of Requirement: The Project is a public housing development owned by the Grundy County Housing Authority (GCHA). The HALC and the GCHA entered into an Intergovernmental Agreement effective December 21, 2022, allowing the HALC to apply for and administer tenant protection vouchers (TPVs) under the GCHA’s Section 22 Streamlined Voluntary Conversion (SVC) Plan (the Plan) for the Project. On February 2, 2023, the HUD Illinois State Office of Public Housing approved the HALC as the agency to administer vouchers on behalf of the GCHA.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 6, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, I have determined that there is good cause to waive, and I hereby waive, 24 CFR 983.51(b) so that the HALC may select Saratoga Towers for an award of PBVs without following a competitive process.

Contact: Nathaniel Johnson, Housing Programs Specialist, 451 7th Street SW, Washington, DC 20410, 202–402–5156.

- **Regulation:** Section 9(g)(1) of the United States Housing Act of 1937.

Project/Activity: Kansas City Housing Authority is seeking a waiver of Section 9(g)(1) of the United States Housing Act of 1937, specifically for “the flexibility of

Capital Fund Amounts” for eligible Operating Fund activities. HAKC is requesting a waiver for its Capital Fund formula grants awarded in Federal Fiscal Years (FFY) 2021 and 2022 to fund anticrime and antidrug activities for large PHAs (those owning/operating 250 or more public housing units).

Nature of Requirement: The Housing Authority of Kansas City, MO (MO002) submitted its request for a waiver to place more than 25% of FY 2022 Capital Funds onto 1406 Operations for anticrime and antidrug activities.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 8, 2023.

Reason Waived: The Housing Authority of Kansas City, MO (MO002) submitted its request for a waiver to place more than 25% of FY 2022 Capital Funds onto 1406 Operations for anticrime and antidrug activities. Section 9(e)(1)(C) of the 1937 United States Housing Act. As noted above, for FY 2022 the limitation in section 9(g)(1) of the 1937 Act is increased from 20% to 25%. For FY 2022 the Secretary may waive this limitation to allow PHAs to fund activities authorized under section 9(e)(1)(C) of the 1937 Act which allows PHAs to use Operating Funds for anticrime and antidrug activities, including the costs of providing adequate security for public housing residents, including above-baseline police service agreements.

Contact: David Fleischman, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402–2071.

- **Regulation:** 24 CFR 985.101(a)(1)–(3) and 24 CFR 985.105(a)(1).

Project/Activity: Requesting a waiver from submitting its fiscal year 2023 (July 1, 2022, to June 30, 2023) SEMAP certification in accordance with 24 CFR 985.101(a)(1)–(3) and 24 CFR 985.105(a)(1). The certification is due August 29, 2023. The PCHA is requesting that HUD not assess the PCHA’s performance under SEMAP because of the January 1, 2023, transfer of the Eloy Housing Authority’s (EHA) Housing Choice Voucher (HCV) program. The PCHA is experiencing challenges incorporating the EHA’s program and assisted families into the PCHA’s operations.

Nature of Requirement: The regulations at 24 CFR 985.105(a)(1) provide that HUD shall assess each PHA’s performance under SEMAP annually and shall assign each PHA a SEMAP score and overall performance rating.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 20, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, that there is good cause to waive, and I hereby waive, 24 CFR 985.101(a) and 24 CFR 985.105(a)(1) to permit the PCHA to not complete their SEMAP certification in its entirety for its fiscal year ending June 30, 2023.

Contact: Michelle Daniels, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402-6051.

- *Regulation:* 24 CFR 983.205(b).

Project/Activity: The Hawaii Public Housing Authority (HPHA) is administering a Project-Based Voucher (PBV) HAP contract at Palolo Homes, a 306-unit affordable housing project located in Honolulu, Hawaii. The HPHA, with the support of the Project's sponsor, Mutual Housing Association of Hawaii, Inc. (MHAH), a nonprofit

organization focused on providing affordable housing to residents of Hawaii, is requesting HUD to waive certain timeframe provisions for the HAP contract extension, as set forth at 24 CFR 983.205(b).

Nature of Requirement: The HPHA's specific request is to provide a PBV HAP contract extension commitment prior to the 24-month regulatory requirement timeframe. The current HAP contract term expires on March 3, 2027, and under 24 CFR 983.205(b), a HAP contract extension may not be provided any earlier than March 3, 2025. The HPHA would like to make a HAP contract extension commitment in June 2023

(approximately 45 months prior to the existing contract end date).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 29, 2023.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 402-5156.

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Part III

Department of Housing and Urban
Development

Notice of Regulatory Waiver Requests Granted for the First Quarter of
Calendar Year 2023; Notice

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR–6395–N–01]

**Notice of Regulatory Waiver Requests
Granted for the First Quarter of
Calendar Year 2023**

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2023, and ending on March 31, 2023.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410–0500, telephone 202–708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech 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>.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2023.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;
2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to

waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- a. Identify the project, activity, or undertaking involved;
- b. Describe the nature of the provision waived and the designation of the provision;
- c. Indicate the name and title of the person who granted the waiver request;
- d. Describe briefly the grounds for approval of the request; and
- e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD’s Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office’s Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2023, through March 31, 2023. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For

example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2023) before the next report is published (the second quarter of calendar year 2023), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Damon Y. Smith,
General Counsel.

Appendix

**Listing of Waivers of Regulatory
Requirements Granted by Offices of the
Department of Housing and Urban
Development January 1, 2023, Through
March 31, 2023**

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory Waivers Granted by the Office of Community Planning and Development
- II. Regulatory Waivers Granted by the Office of Housing
- III. Regulatory Waivers Granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

I. Mega-Waiver for California Severe Winter Storms, Flooding, Landslides, and Mudslides—Continuum of Care (CoC) Program

On February 9, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe winter storms, flooding, landslides, and mudslides in areas of California covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4698–AR, dated January 14, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: The 24-month limit on rental assistance is waived for two years for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date the waiver was granted for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—One-Time Limit on Moving Costs

- *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more

than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

- *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

- *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by severe winter storms, flooding, landslides, and mudslides in California by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

II. Mega-Waiver for California Severe Winter Storms, Flooding, Landslides, and Mudslides—Emergency Solutions Grants (ESG) Program

On February 9, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe winter storms, flooding, landslides, and mudslides in areas of California covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated January 14, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

- *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of

the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe winter storms, flooding, landslides, and mudslides in areas of California; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year

period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe winter storms, flooding, landslides, and mudslides in California. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Housing Standards

- *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Shelter Standards

- *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet

applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017–20 (HA); and (3) Recipients ensure that these shelters.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

• **Regulation:** 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline as described in the applicability paragraph below will support recipients' ability to assist individuals and families as provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; and

assisting program participants with subleases.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Assisting Program Participants With Subleases

• **Regulation:** 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to “owner” and “lease” in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result severe winter storms, flooding, landslides, and mudslides in California; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to “owner” and “housing owner” to apply to the primary leaseholder and reading the references to “lease” to apply to the program participant’s sublease or lease with the primary leaseholder.

Nature of Requirement: The use of “owner” and “lease” in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner’s agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

III. *Mega-Waiver for Alabama Severe Storms, Straight-Line Winds, and Tornadoes—CoC*

On February 9, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Alabama severe storms, straight-line winds, and tornadoes covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4698–AR, dated January 15, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

• **Regulation:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the date of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—One-Time Limit on Moving Costs

- *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

- *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development,

Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

- *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by severe storms, straight-line winds, and tornadoes in Alabama by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

IV. Mega-Waiver for Alabama Severe Storms, Straight-Line Winds, and Tornadoes—ESG

On February 9, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms, straight-line winds, and tornadoes in areas of Alabama covered by a

major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated January 15, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

- **Regulation:** 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2) Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Alabama; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room

7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- **Regulation:** 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe storms, straight-line winds, and tornadoes in Alabama. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Housing Standards

- **Regulation:** 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet

the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

- **Regulation:** 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- **Regulation:** 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs

the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline as described in the applicability paragraph below will support recipients' ability to assist individuals and families as provided by waivers 19 and 20 above.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Alabama; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to "owner" and "housing owner" to apply to the primary leaseholder and reading the references to "lease" to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.105 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708-4300.

V. Mega-Waiver for Mississippi Severe Storms, Straight-Line Winds, and Tornadoes—CoC

On March 30, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Mississippi severe storms, straight-line winds, and tornadoes covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated March 26, 2023, and as may be amended (the "declared-disaster areas"). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the date of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the waiver.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster.

Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—One-Time Limit on Moving Costs

- *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date

of the waiver for program participants living in a declared-disaster area or program participants displaced from a declared-disaster area as a result of the disaster.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• **Regulation:** 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient in declared-declared areas to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater

than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• **Regulation:** 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipient to house people impacted from severe storms, straight-line winds, and tornadoes in Mississippi by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

VI. *Mega-Waiver for Mississippi Severe Storms, Straight-Line Winds, and Tornadoes—ESG*

On March 30, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms, straight-line winds, and tornadoes in areas of Mississippi covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4698-AR, dated March 26, 2023, and as may be amended (the “declared-disaster areas”). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• **Regulation:** 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Mississippi; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management

assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

- **Regulation:** 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe storms, straight-line winds, and tornadoes in Mississippi. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Housing Standards

- **Regulation:** 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and 3. Recipients must make sure all

units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Shelter Standards

- **Regulation:** 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and (3) Recipients ensure that these shelters

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation, and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

- **Regulation:** 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental

assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by other the ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area. However, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

ESG—Assisting Program Participants With Subleases

- **Regulation:** 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms, straight-line winds, and tornadoes in Mississippi; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4.

The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to “owner” and “housing owner” to apply to the primary leaseholder and reading the references to “lease” to apply to the program participant’s sublease or lease with the primary leaseholder.

Nature of Requirement: The use of “owner” and “lease” in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner’s agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708-4300.

- **Regulation:** 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: The City of Los Angeles, California requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for Florence Mills Apartments, Pico Robertson Senior Community Apartments, and LA Pro II Apartments, three HOME-assisted projects.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 26, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department

of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.203(a)(1) and (2).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4683-CA).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months. Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver permits the participating jurisdiction to use self-certification of income, as provided in 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from February 9, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family’s size and annual income and that the family’s income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4683-CA).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient’s rent to the difference between the participating jurisdiction’s rent standard for the unit size and 30 percent of the family’s monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below. The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant’s lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant’s FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after February 9, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family’s FEMA registration, for a period of 24 months after February 9, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient’s FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after February 9, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas (see FEMA-DR-4683-CA).

Nature of Requirement: Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(a)) (NAHA) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction’s HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction’s HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, 92.222(b)(1) imposes certain

conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive. Waiving the conditions required to reduce the match requirement for the participating jurisdiction by 100 percent for FY 2023 and FY 2024 will eliminate administrative burden on affected participating jurisdictions and the need for the participating jurisdiction to identify match for HOME projects related to the damage caused by the disaster.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4683-CA).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of February 9, 2023.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community

Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4683-CA).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from February 9, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4684-AL).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months. Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver permits the participating jurisdiction to use self-certification of income, as provided in 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from February 9, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4684-AL).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below. The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after February 9, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA

registration, for a period of 24 months after February 9, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after February 9, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.222(b)(1).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4684-AL).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive. Waiving the conditions required to reduce the match requirement for the participating jurisdiction by 100 percent for FY 2023 and FY 2024 will eliminate administrative burden on affected participating jurisdictions and the need for the participating jurisdiction to identify match for HOME projects related to the damage caused by the disaster.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating

jurisdiction located in the declared-disaster areas from October 1, 2022 through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4684-AL).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of February 9, 2023.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4684-AL).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area.

This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from February 9, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.300(a)(2).

Project/Activity: The City of Muncie, Indiana, requested a waiver of 24 CFR 92.300(a)(2) to permit Bridges Community Services, Inc. (Bridges) a community housing development organization (CHDO), to transfer ownership of a HOME-assisted project, designated as HOME IDIS activity #2518, to Muncie Management, Inc., a non-CHDO for-profit corporation, that will own and operate the HOME-assisted project in accordance with 24 CFR part 92.

Nature of Requirement: The regulation at 24 CFR 92.300(a)(2) requires that rental housing developed with CHDO set-aside funds under 24 CFR 92.300(a) must be owned by the CHDO for a period at least equal to the period of affordability in 24 CFR 92.252(e).

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 13, 2023.

Reason Waived: Muncie Management, Inc does not meet the definition of a CHDO at 24 CFR 92.2. This waiver will permit the transfer of this HOME-assisted project to Muncie Management, Inc, which will own and operate the project in accordance with the HOME requirements in 24 CFR part 92 for the duration of the HOME period of affordability in 24 CFR 92.252(e). Without a waiver of 24 CFR 92.300(a)(2), the HOME-assisted project may fall into disrepair, be lost to foreclosure, or fail to remain as affordable housing operated in accordance with 24 CFR part 92 throughout the HOME period of affordability and the City would be required to repay its HOME investment for the acquisition of the HOME-assisted project. As a condition to the waiver, the City must complete its proposed actions to assign the HOME written agreement to MMI and record an amended deed restriction in compliance with 24 CFR 92.252 for the remainder of the HOME period of affordability.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.252(d)(1) Utility Allowance Requirements.

Project/Activity: San Luis Obispo County, California, requested a waiver of 24 CFR

92.252(d)(1) to allow use of the utility allowance established by the local PHA for Willow Walk Senior Apartments, and Los Angeles County, California requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local PHA for Stanford Avenue Apartments. Each project is HOME-assisted.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 14, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.2, 24 CFR 92.254(b)(2).

Project/Activity: The State of California requested waivers of the HOME definition of reconstruction at 24 CFR 92.2 to permit the commitment of funds after 12 months from the date of destruction and the principal residency requirement at 24 CFR 92.254(b)(2) to permit the State to use HOME funds for the reconstruction of homes on the same lot in the Town of Paradise, California, where the properties were destroyed in the November 8, 2018, Camp wildfire disaster, but which may not be the owner's principal residence at the time HOME funds are committed to the project.

Nature of Requirement: The regulation at 24 CFR 92.2 defines reconstruction as "rebuilding, on the same lot, of housing standing on a site at the time of project commitment, except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction." For the purposes of the HOME program, reconstruction is considered a rehabilitation activity. The regulation at § 92.254(b)(2) requires that the rehabilitated housing be "the principal residence of an owner whose family qualifies as a low-income family at the time HOME funds are committed to the housing."

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 22, 2023.

Reason Waived: More than 4 years have passed since the Camp wildfire disaster

destroyed owner-occupied housing in the Town of Paradise. Requiring the State to adhere to the 12-month requirement in the definition of reconstruction and the requirement that a homeowner occupy their home as a principal residence at the time HOME assistance is committed would create a significant hardship for income-eligible homeowners in the Town of Paradise in need of assistance to rebuild their homes on the existing lots. A waiver of § 92.2 to permit the commitment of funds after 12 months from the date of destruction will allow the State to use HOME funds to assist eligible homeowners whose principal residences were destroyed by the 2018 Camp wildfire to reconstruct their homes on the same site. A waiver of § 92.254(b)(2)'s principal residency requirement will allow the State to use HOME funds to assist eligible homeowners with homes that were damaged or destroyed by the Camp wildfire and that may not be their principal residences (because of displacement due to the disaster) at the time HOME funds are committed to the project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.203(a)(1) and (2).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4697-MS).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months. Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from March 30, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas (see FEMA-DR-4697-MS).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below. The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the participating jurisdiction, for a period of 24 months after March 30, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after March 30, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after March 30, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451

Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

- *Regulation:* 24 CFR 92.222(b)(1).

Project/Activity: Projects located in the declared-disaster areas (see FEMA–DR–4697–MS).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive. Waiving the conditions required to reduce the match requirement for the participating jurisdiction by 100 percent for FY 2023 and FY 2024 will eliminate administrative burden on affected participating jurisdictions and the need for the participating jurisdiction to identify match for HOME projects related to the damage caused by the disaster.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on a case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022 through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

- *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas (see FEMA–DR–4697–MS).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.*, acquisition of housing including through homebuyer

assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of March 30, 2023.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

- *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas (see FEMA–DR–4697–MS).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from March 30, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Community Planning and Development, Department of Housing and Urban Development, 451

Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

- *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2), and (i); and 24 CFR 91.401.

Project/Activity: The State of California and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR–4683–CA) seeking to expedite action in response to severe winter storms, flooding, landslides, and mudslides, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4683–CA, dated January 14, 2023, as may be amended (the “California declared-disaster areas”) and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Several CPD grantees were affected by severe winter storms that hit California beginning December 27, 2022. As a result of substantial property loss and destruction, many individuals and families residing in the California declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

- *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of California and any HUD Community Planning and Development (CPD) grantee located in the counties included in the California declared-disaster areas (see DR–4683–CA) seeking to expedite action in response to severe winter storms, flooding, landslides, and mudslides, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the California declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and

opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe winter storms that hit California beginning December 27, 2022. As a result of substantial property loss and destruction, many individuals and families residing in the California declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with California severe winter storms, flooding, landslides, and mudslides.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe winter storms, flooding, landslides, and mudslides. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the California declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe winter storms, flooding, landslides, and mudslides on an interim basis. This authority is in effect

through the end of the grantee's 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115 (c)(2), and (i); and 24 CFR 91.401.

Project/Activity: The State of Alabama and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR-4684-AL) seeking to expedite action in response to severe winter storms, straight-line winds, and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4684-AL, dated January 15, 2023, as may be amended (the "Alabama declared-disaster areas") and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: Several CPD grantees were affected by severe winter storms, straight-line winds, and tornadoes that hit Alabama on January 12, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Alabama declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Alabama and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Alabama declared-disaster areas (see DR-4684-AL) seeking to expedite action in response to severe winter storms, straight-line winds, and tornadoes,

upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Alabama declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe winter storms, straight-line winds, and tornadoes that hit Alabama on January 12, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Alabama declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Alabama severe winter storms, straight-line winds, and tornadoes.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: February 9, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still

be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe winter storms, straight-line winds, and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Alabama declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe winter storms, straight-line winds, and tornadoes on an interim basis. This authority is in effect through the end of the grantee's 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115 (c)(2), and (i); and 24 CFR 91.401.

Project/Activity: The State of Mississippi and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR-4697-MS) seeking to expedite action in response to severe winter storms, straight-line winds, and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4697-MS, dated March 26, 2023, as may be amended (the "Mississippi declared-disaster areas") and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: Several CPD grantees were affected by severe winter storms, straight-line winds, and tornadoes that hit Mississippi on March 24-25, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Mississippi declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community

Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Mississippi and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Mississippi declared-disaster areas (see DR-4697-MS) seeking to expedite action in response to severe winter storms, straight-line winds, and tornadoes, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Mississippi declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2022 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe winter storms, straight-line winds, and tornadoes that hit Mississippi on March 24-25, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Mississippi declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

- **Regulation:** 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Mississippi severe winter storms, straight-line winds, and tornadoes.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. "Income payments" means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on

behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 30, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe winter storms, straight-line winds, and tornadoes. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Mississippi declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe winter storms, straight-line winds, and tornadoes on an interim basis. This authority is in effect through the end of the grantee's 2023 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG-CV) grants. The six-month periods allowed by waiver for CDBG and CDBG-CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4211.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 200.73(c), Property Development, 2023.

Project/Activity: Wasmver Apartments, Mount Vernon, Ohio, Project No. 043-11318.

Nature of Requirement: 24 CFR 200.73(c). (c) *The improvements shall constitute a single project. Not less than five rental dwelling units or personal care units, 20 medical care beds, or 50 manufactured home pads, shall be on one site, except that such limitations do not apply to group practice facilities.* However, Chapter 3, Section 3.1.30 of the MAP Guide permits a project with two or more noncontiguous parcels of land when the parcels comprise one marketable, manageable real estate entity, provided each site contains at least five (5) rental dwelling units.

The lender, Orix Real Estate Capital, LLC, has applied for mortgage insurance under the Section 223(f) program to refinance the project, Wasmver Apartments, with moderate renovation of approximately \$95,261 (\$7,216 per unit). The property is in Knox County in Mount Vernon, Ohio and is comprised of thirteen (13) affordable units within three (3) buildings located on two (2) noncontiguous sites approximately ¾ miles apart. One site

has two (2) of the three (3) buildings with five (5) units each, but the other site has one (1) building with only three (3) units.

Granted By: Julia R. Gordon, Assistant Secretary Office of Housing-Federal Housing Administration.

Date Granted: February 21, 2023.

Reason Waived: The project was originally approved and constructed under the Section 202 program as one project, and the two (2) sites have been operated as one marketable and manageable real estate entity with management and operations under one management office for the past 30 years. The project has historic occupancy of 95% annually. The existing Regulatory Agreement on the project restricts tenancy to seniors aged 62+ and mobility impaired residents. The project is 100% Project-Based Section 8 rental assistance under a 20-year HAP Contract (which expires on 8/31/2036) and therefore meets HUD's requirements for flexibility for scattered sites (See, MAP Guide, Chapter 3, Section 3.1.30.C.7). The waiver will meet HUD's goal of preserving and maintaining affordable rental housing for low-income families.

Contact: Willie Fobbs III, Director, Office of Multifamily Production, HTD, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6134, Washington, DC 20410, telephone (202) 402-6257.

- *Regulation:* 24 CFR 200.73(c).

Project/Activity: Talmage-Oakland Portfolio, Minneapolis, Minnesota, Project No. 092-35886.

Nature of Requirement: 24 CFR 200.73(c).

(c) The improvements shall constitute a single project. Not less than five rental dwelling units or personal care units, 20 medical care beds, or 50 manufactured home pads, shall be on one site, except that such limitations do not apply to group practice facilities. However, Chapter 3, Section 3.1.30 of the MAP Guide permits a project with two or more contiguous parcels of land when the parcels comprise one marketable, manageable real estate entity, provided each site contains at least five (5) units.

The lender, Colliers Mortgage, LLC, proposes to finance the Talmage-Oakland Portfolio project with a loan insured pursuant to the Section 221(d)(4) Substantial Rehabilitation program to finance much needed repairs and physical improvements of the project. The project is in Minneapolis, Minnesota and is comprised of 57 total affordable units. The subject property, comprised of 16 buildings, is located on 13 parcels, which are clustered on five (5) non-contiguous sites. Four (4) of the 13 parcels have only two (2) to four (4) units. This project is 100% Section 8, and will be covered by a single Low-Income Housing Tax Credit Land Use Restrictive Agreement (LIHTCLURA) restricting the units to residents earning 60% Area Median Income (AMI).

Granted By: Julia R. Gordon, Assistant Secretary Office of Housing-Federal Housing Administration.

Date Granted: February 27, 2023.

Reason Waived: Colliers Mortgage, LLC, submitted application for mortgage insurance under the Section 221(d)(4) Substantial Rehabilitation program to finance the

project's, Talmage-Oakland Portfolio, approximately \$7,410,000 (\$130,000 per unit) planned repairs. The property will be owned and managed by a non-profit organization that has developed and owned over 50 properties with more than 4,500 affordable units. The non-profit organization also has extensive experience with HUD and has previously completed multiple in-place rehabilitation through FHA loans. As a 100% Section 8 project, it meets HUD's requirements for flexibility for scattered sites (See, MAP Guide, Chapter 3, Section 3.1.30.C.7). The FHA transaction will address much-needed repairs and replacements that will help preserve this affordable housing for the community.

Contact: Willie Fobbs III, Director, Office of Multifamily Production, HTD, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6134, Washington, DC 20410, telephone (202) 402-6257.

- *Regulation:* 24 CFR 206.113 Late charge and interest.

Project/Activity: Temporary, Partial Waiver of required late charges and interest for past due mortgage insurance premiums (MIP).

Nature of Requirement: 24 CFR 206.113 *Late Charge and Interest, under Mortgage Insurance Premiums* under Subpart B—*Eligibility; Endorsement* of 24 CFR part 206 Home Equity Conversion Mortgage Insurance, stipulates initial MIP remitted to the Commissioner more than five days after the payment date in § 206.111(a) and monthly MIP remitted to the Commissioner more than five days after the payment date in § 206.111(b) shall include a late charge of four percent of the amount owed. 24 CFR 206.113(b) also requires mortgagees pay interest on any initial MIP remitted to the Commissioner more than 20 days after closing, and interest on any monthly MIP remitted to the Commissioner more than five days after the payment date prescribed in § 206.111(b).

Granted By: Julia R. Gordon, Secretary for Housing—Federal Housing Commissioner.

Date Granted: January 10, 2023.

Reason Waived: Reverse Mortgage Funding LLC (RMF) filed for Chapter 11 bankruptcy on November 30, 2022 and did not provide for timely payment of their December 2022 Mortgage Insurance Premium (MIP) obligation, resulting in late charges and interest being assessed. This partial waiver of required late charges and interest for past due MIP was issued for FHA-approved mortgagees accepting transfer of those Home Equity Conversion Mortgages (HECMs) for which RMF failed to timely pay MIP to the Federal Housing Administration, resulting in the accrual of late charges and interest. Without this waiver, HECM servicers of the RMF portfolio would not have been able to submit claims and thereby would have increased the instability of the HECM program that was made worse through the RMF bankruptcy. The waiver relinquished the requirement for RMF Transferees to pay December 2022 late charges and interest for late payment of MIP in December for RMF HECMs.

Contact: Graham Mayfield, Acting Director, Office of Single Family Asset Management,

Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9172, Washington, DC 20410, telephone (202) 768-2838 or graham.b.mayfield@hud.gov.

- *Regulation:* 24 CFR 214.300(a)(3).

Project/Activity: The renewal of this partial waiver continues to provide temporary removal of the requirement that housing counseling agencies participating in HUD's Housing Counseling Program provide in-person housing counseling services to clients that prefer this format, but still allow housing counseling agencies to utilize alternative methods of providing counseling to clients. The renewal of this partial waiver will be in effect through December 31, 2023.

Nature of Requirement: 24 CFR 214.3009(a)(3) requires that all agencies participating in HUD's Housing Counseling Program that provide services directly to clients must provide in person counseling to clients that prefer this format.

Granted By: Julia Gordon, Assistant Secretary for Housing/Federal Housing Commissioner.

Date Granted: March 8, 2023.

Reason Waived: The renewal of this partial waiver is required because the Department recognizes that there continues to be a demand for housing counseling services but clients and counselors may remain hesitant to provide in-person counseling as a result of continued concerns related to COVID-19, Respiratory Syncytial Virus (RSV), and increasing rates of seasonal influenza. This renewal of this partial waiver allows participating agencies to provide continuous services in a format other than in-person without violating the requirements of 24 CFR 214.300(a)(3).

Contact: David Valdez, Office of Housing Counseling, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 550, Washington, DC 20410, telephone (713) 718-3178.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

- For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 5.801(d)(1) and 24 CFR 902.62.

Project/Activity: Housing Authority of the City of Frederick (MD003).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end FYE March 31, 2022, in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 17, 2023.

Reason Waived: The Housing Authority of the City of Frederick provided the requested financial information to its auditor in preparation for its audit. However, on November 2, 2022, the audit firm notified the Housing Authority (HA) it could not begin

the audit until mid-December due to previous extensions of audit due dates during the COVID-19 pandemic. The HA believes this is not adequate time to complete its audit by the December 31, 2022, due date. Pursuant to 24 CFR 5.110, the request to extend the submission due date and waive 24 CFR 5.801(d)(1) and 24 CFR 902.62 (a)(3) is approved, as the reason provided is considered good cause for a waiver. Therefore, the HA is granted an additional ninety days from the due date of December 31, 2022. The HA has until March 31, 2023, to complete and submit its FYE March 31, 2022, audited financial information to the Department without receiving an LPF.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 475-8930.

- **Regulation:** 24 CFR 902.33 and 24 CFR 902.64.

Project/Activity: Crisfield Housing Authority (MD009).

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end FYE March 31, 2022, in accordance with the Single Audit Act and OMB Circular A-133.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 17, 2023.

Reason Waived: The HA contends it could not meet the reporting deadline due to circumstances beyond its control. As a result of its accountant's retirement at the end of March 2022, the HA's staff needed help providing timely financial information to the auditor. Due to the CARES Act extension, the FY2021 audit was extended, and the HA and its auditor worked together to complete FY2021 and begin FY22. Subsequently, the audit firm withdrew its engagement on July 18, 2022. The HA immediately contacted several firms to procure audit services; however, with the COVID-19 pandemic and a significant backlog, most auditors were unwilling to take on the HA's FY21 and FY22 audits and complete them on time. The HA contends it has found an audit firm to do the work but will need six months to complete it. Under 24 CFR 5.110, there is good cause to waive the reporting compliance deadlines under 24 CFR 902.33 and 24 CFR 902.64. The circumstance preventing the Agency from submitting its audited financial information is acceptable. Therefore, Crisfield Housing Authority is granted an additional six months from the extended due date of December 31, 2022. The HA has until June 30, 2023, to complete and submit its FYE March 31, 2022, audited financial information to the Department.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 475-8930.

- **Regulation:** 24 CFR 905.300(b)(1).
Project/Activity: Woonsocket Housing Authority/ESSG.

Nature of Requirement: The Capital Fund Regulations at 24 CFR 905.300 require certain annual submissions by the public housing authority (PHA). One of the requirements is the submission of the CFP 5-Year Action Plan which describes the capital improvements to be undertaken within the 5-year period. The 5-Year Action Plan allows the Department of Housing and Urban Development (HUD) to monitor the PHA's use of Capital Funds ensuring that Capital Funds are not used for ineligible purposes and that the PHA is efficiently using these funds.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 6, 2023.

Reason Waived: WHA received a Fiscal Year 2021 Emergency Safety and Security grant (ESSG) for the purchase of security cameras. WHA did not include security cameras in the CFP 5-Year Action Plan in the Energy and Performance Information Center (EPIC). Consequently, WHA was notified by HUD that the grant would be recaptured. WHA's letter identified extenuating circumstance such as the termination of the previous executive director, who executed the CFP grant amendment but did not amend the 5-Year Action Plan. However, WHA correctly completed the tasks required to obligate the grant including signing and uploading the Annual Contributions Contract Amendment to EPIC and, on August 18, 2022, the WHA Board of Commissioners unanimously approved the award of the ESSG contract in an amount not-to-exceed the approved grant amount of \$244,188 to Sentrillion, a responsive bidder in the best interest of the PHA.

Contact: David Fleischman, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-2071.

- **Regulation:** 24 CFR 982.161(a)(1).

Project/Activity: The Klamath Housing Authority (KHA) is requesting a waiver of 24 CFR 982.161(a)(1), which requires a PHA not to enter into any contract or arrangement in connection with the HCV program in which any present or former member or officer of the PHA has interest, direct or indirect.

Nature of Requirement: The regulation at 24 CFR 982.161(c), and the HAP contract, allows the conflict of interest to be waived by the Department of Housing and Urban Development (HUD) for good cause.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 24, 2023.

Reason Waived: Based on the circumstances of this request, HUD finds that there is good cause to waive, and pursuant to 24 CFR 5.110, HUD hereby waives 24 CFR 982.161(a) to allow the KHA to continue its existing HAP contract with Stephanie Hirche, for the unit specified in your waiver request.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban

Development, 451 Seventh Street SW, Washington, DC 20410, telephone (971) 222-2667.

- **Regulation:** 24 CFR 982.161(a)(1).

Project/Activity: The waiver would allow AHA to enter into an employment contract with Mr. Julio Guridy as Executive Director within 12 months of his tenure as a member of the Board of Directors.

Nature of Requirement: Public Housing conflict of interest waiver requests are reviewed and considered under Section 19(A)(1) of the ACC, which prohibits a Public Housing Agency (PHA) from entering into a contract, subcontract, or arrangement in connection with the administration of its Public Housing program where any present or former member or officer of the governing body has an interest, direct or indirect, during his or her tenure or for one year thereafter.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 6, 2023.

Reason Waived: The Department has considered the information provided in support of this request and determined that good cause does exist to grant a waiver of Section 19(A)(1)(i) of the ACC and CFR 982.161(a), based on AHA's search committee efforts and Mr. Guridy's qualifications compared to the recommended candidates.

Contact: Erick Wood, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 708-0614.

- **Regulation:** 24 CFR 982.161(a).

Project/Activity: The request states Patrick Patterson was appointed to the Quorum Court as of January 1, 2021 and owns a property located at 465 N Monroe St. that is currently occupied by an HCV participant with a disability. The Quorum Court acts as Clay County Housing Department's (CCHD) board of directors, and CCHD seeks the waiver so that the HCV participant may continue to reside in the unit owned by Patrick Patterson and avoid the hardship and expense of moving. The request also notes the shortage of rental units available in the Clay County Arkansas area due to its small size (population 14,350) and rural location.

Nature of Requirement: Any public official, member of a governing body, or State or local legislators, who exercises functions or responsibilities with respect to the programs, may not have any direct or indirect interest in the Housing Assistance Payments (HAP) contract or in any benefits or payments under the contract during tenure or one year thereafter.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 31, 2023.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (971) 222-2667.

- **Regulation:** 24 CFR 982.161(a)(1).

Project/Activity: 24 CFR 982.161(a)(1), which states, in part, that any present or former member or officer of the public housing agency (PHA) (except a participant commissioner) may not have any direct or indirect interest in the housing assistance program (HAP) contract or in any benefits or payments under the contract during tenure or one year thereafter. The regulation at 24 CFR 982.161(c), and the HAP contract, allows the conflict of interest to be waived by the Department of Housing and Urban Development (HUD) for good cause.

Nature of Requirement: Under the tenant-based framework, such individualized analysis is made possible because tenant-based HAP contracts cover a single unit, occupied by a single family. This programmatic characteristic also minimizes the potential impact a conflict of interest may have on the program. Because Ms. Furneaux holds a position as a board member, if the regulation is not waived, Ms. Micknick would be required to move from the unit they have resided in for the past five years in order to utilize HCV assistance.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 13, 2023.

Reason Waived: Based on the circumstances of this request, HUD finds that there is good cause to waive, and pursuant to 24 CFR 5.110, HUD hereby waives, 24 CFR 982.161(a), to allow WCHRA to enter into a HAP contract with by Ms. Furneaux, on behalf of Ms. Micknick for the unit specified in your waiver request. Ms. Furneaux must continue to abstain themselves from all matters concerning the HAP contract in question.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (971) 222-2667.

• *Regulation:* 24 CFR 982.161(a) and 24 CFR 982.161(c).

Project/Activity: RPHA's request states that Daniel Pedri was elected to the Rock Springs City Council, which acts as the RPHA's board, and officially started the position on January 2, 2023. Mr. Pedri is employed by Pedri Investments LLC which owns a property that is currently occupied by an elderly and extremely low-income HCV participant with a disability. Pedri Investments LLC is owned by Daniel Pedri's father, also a "covered individual". Your agency seeks the waiver so that the HCV participant may continue to reside in the unit owned by Pedri Investments LLC and avoid the hardship and expense of moving. The request also notes the shortage of rental units available in the Rock Springs City, Wyoming area due to its small size (population 23,036) and rural location.

Nature of Requirement: Housing Choice Voucher (HCV) regulations at 24 CFR 982.161(a), which states, in part, that any public official, member of a governing body, or State or local legislators, who exercises functions or responsibilities with respect to the programs, may not have any direct or indirect interest in the Housing Assistance

Payments (HAP) contract or in any benefits or payments under the contract during tenure or one year thereafter. The regulation at 24 CFR 982.161(c), and the HAP contract, allows the conflict of interest to be waived by the Department of Housing and Urban Development (HUD) for good cause.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 2, 2023.

Reason Waived: While it has been the Department's long-standing position that the individual's intent to recuse himself or herself from program determinations is not by itself good cause to waive the conflict of interest provision, HUD has found good cause for this waiver beyond Daniel Pedri's recusal due to the hardship on the existing assisted tenant and the lack of available rental housing in RPHA's jurisdiction. Nonetheless, the Department finds that Daniel Pedri's recusal is an important safeguard to the integrity of administration of the RPHA's HAP contracts, and an essential factor in HUD's consideration of good cause.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (971) 222-2667.

• *Regulation:* 24 CFR 982.207(b)(3) and 24 CFR 983.251(d).

Project/Activity: Housing Authority of Macon-Bibb County (GA006—MHA) requests to waive 24 CFR 982.207(b)(3), which prohibits preferences for persons with specific disabilities for the Housing Choice Voucher (HCV) program, and 24 CFR 983.251(d), which prohibits preferences for persons with specific disabilities for Project-Based Voucher (PBV) assistance.

Nature of Requirement: Under a 2010 Settlement Agreement between the U.S. Department of Justice (DOJ) and the State of Georgia, Georgia must transition individuals living with serious and persistent mental illness (SPMI) and developmental disabilities into integrated, community-based settings while making voluntary supportive services available to those individuals. To facilitate continued compliance with the Settlement Agreement, MHA requests extension of a waiver, most recently approved by HUD on March 9, 2020, that allows for MHA to establish alternate tenant selection preferences. The extension approved the waiver for an additional three years.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 24, 2023.

Reason Waived: HUD has determined that there is good cause to waive program regulations of HCV and PBV tenant selection preferences to provide an admissions preference for persons with SPMI and developmental disabilities. HUD hereby waives 24 CFR 982.207(b)(3) and 24 CFR 983.251(d), pursuant to the waiver authority provided to HUD at 24 CFR 5.110.

Contact: Emily Warren, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW,

Washington, DC 20410, telephone (971) 708-0614.

• *Regulation:* 24 CFR 982.503(c)(1), CFR 982.503(c)(2), 24 CFR.982.503(c)(3), 24 CFR 982.503(c)(4)(ii).

Project/Activity: The PHA stated that the rents in the area have dramatically increased in certain areas and are expected to continue an upward trajectory. Additionally, the PHA is participating in the Housing Choice Voucher (HCV) Mobility Demonstration, which requires that participating PHAs adopt adequate payment standards in opportunity areas. This request updates a previously approved request from March 2022 with updated data and revised payment standards. The MDHA has determined that even at 110 percent of the fair market rent (FMR), payment standards are not adequate, or high enough, in opportunity areas.

Nature of Requirement: 24 CFR.982.503(c)(3), which is for payment standards above 120 percent of the FMR. While the MDHA also requested a waiver of CFR 982.503(c)(2) for payment standards between 110 percent and 120 percent of the FMR, HUD has determined that this waiver is not necessary as all the requested exception payment standards under this request exceed 120 percent of FMR. Finally, the MDHA also requests a waiver of 24 CFR 982.503(c)(4)(ii) which requires that the PHA have previously adopted an exception payment standard for six months prior. HUD has also determined that this waiver is not necessary, since it has been more than six months since HUD approved, and the MDHA adopted, the previous exception payment standards request in March of 2022.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 2, 2023.

Reason Waived: In order to achieve the goals of the Community Choice Demonstration, and to provide access to low-poverty neighborhoods for families in their voucher program, the MDHA needs to establish exception payment standards over 120 percent of the FMR, where justified by statistically representative housing survey data. Therefore, HUD has determined that there is good cause to waive 24 CFR 982.503(c)(3). Pursuant to the waiver authority provided at 24 CFR 5.110, I hereby waive 24 CFR 982.503(c)(3). Since the PHA has demonstrated they meet all of the regulatory requirements at 24 CFR 982.503(c) for approval of an exception payment standard above 120 percent of the FMR, HUD approves the MDHA's request for an exception payment standard. The PHA may use this exception payment standard in place of the FY23 published FMRs. The PHA may submit a new exception payment standard request for HUD's consideration for the FY24 FMRs.

Contact: Brendan Goodwin, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 708-0614.

• *Regulation:* 24 CFR 982.517 and 24 CFR 983.301(f)(2)(ii)—Waiver Request for PBV Utility Allowance Setting.

Project/Activity: Pursuant to 24 CFR 5.110 and Notice PIH 2018–16, the Hawaii Office of Housing and Community Development (OHCD) has requested a waiver of these program regulations to establish a site-specific utility allowance for Mohouli Senior Residences, Phase 3, where OHCD will have 92 PBV units.

Nature of Requirement: For the Department to consider such a waiver, the public housing agency (PHA) should submit: (a) an analysis of utility rates for the community; (b) an estimate of energy consumption that will take place at the newly constructed site; and (c) a proposed alternative methodology for calculating utility allowances on an ongoing basis. The PHA should demonstrate that the utility allowance provided under the HCV program would either create an undue cost on families or discourage conservation and efficient use of housing assistance payments (HAP).

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 23, 2023.

Reason Waived: The information submitted to HUD by OHCD supports its request. The OHCD has submitted an analysis of utility rates for the community and an estimate of the energy consumption that will take place at the newly constructed site. Due to the energy efficient systems being built at the Mohouli Senior Residences, Phase 3, the community consumption estimates are significantly higher than the consumption expected at the site. As such, the standard HCV utility allowance would be excessive.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5156.

• **Regulation:** 24 CFR 983.51(b).

Project/Activity: The HACOO is seeking a HUD waiver to allow it to non-competitively award Project-Based Vouchers (PBVs) to the Marfa Housing Authority (MHA), a Public Housing-only PHA that was previously approved by the HUD Special Applications Center (SAC) to convert 74 public housing units to vouchers under a RAD/Section 18 blend transaction. The MHA plans to have all 74 vouchers to be administered as project-based by the HACOO, which the HUD San Antonio Office of Public Housing previously approved.

Nature of Requirement: Requires a public housing agency (PHA) to award project-based vouchers (PBVs) through a competitive process or based on a previous competition. The request, dated November 23, 2022, seeks a waiver so that the HACOO can non-competitively award PBVs to the Marfa Housing Authority (MHA).

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 17, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, and considering the good cause presented due to HACOO's representations regarding the limited availability of affordable housing stock in the City of Marfa, HUD hereby

waives 24 CFR 983.51(b) so that HACOO may select Public Housing Development TX318000001 for an award PBVs without following a competitive process.

Contact: Kristen Arnold, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (971) 222–2667.

• **Regulation:** 24 CFR 983.51 (b)(2).

Project/Activity: LACDA is requesting a waiver of the federal regulation at 24 CFR 983.51 (b)(2) to allow the LACDA to continue committing Project-Based Veterans Affairs Supportive (VASH) vouchers noncompetitively to the U.S. Department of Veterans Affairs (VA) Campus development by accepting the Enhanced-Use Lease award by the VA as a valid prior competition without expiration.

Nature of Requirement: This regulation states that the Public Housing Authority (PHA) may select, without competition, a proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals (e.g., HOME, and units for which competitively awarded low-income housing tax credits (LIHTCs) have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within 3 years of the Project-Based Vouchers (PBV) proposal selection date, and the earlier competitively selected housing assistance proposal did not involve any consideration that the project would receive PBV assistance.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 22, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, HUD has determined that there is good cause to waive, and HUD hereby waives, 24 CFR 983.51(b)(2) to allow the LACDA to continue committing Project-Based VASH vouchers noncompetitively to the VA Campus development by considering the Enhanced-Use Lease award by the VA as a valid prior competition through the end of calendar year 2023.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5156.

• **Regulation:** 24 CFR 983.51(b).

Project/Activity: The District of Columbia Housing Authority (DCHA) selection of Friendship Terrace for project-based voucher (PBV) assistance without undergoing a competitive process or based on a previous competition.

Nature of Requirement: The regulation at 24 CFR 983.51(b) provides that the public housing agency (PHA) must select PBV proposals either through a competitive process or based on a competition for other assistance the project is receiving, provided the project was competitively selected for that other assistance within 3 years of the

PBV proposal selection date and the competitively selected housing assistance proposal did not involve any consideration that the project would receive PBV assistance in the future.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 27, 2023.

Reason Waived: The DCHA received an allocation of 140 enhanced vouchers as the result of a HUD Multifamily Housing conversion action under section 536 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act (Pub. L. 106–74). Section 536 provides that any project that receives or has received assistance under the Flexible Subsidy Program and is the subject of a transaction under which the project is preserved as affordable housing (as determined by HUD) shall be considered eligible low-income housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRA) for tenant-based enhanced voucher rental assistance. The owner and the DCHA are seeking to convert the tenant-based assistance to PBV assistance pursuant to Notice PIH 2013–27, under which families have voluntarily agreed to relinquish their enhanced voucher assistance for PBV assistance. The requested waiver is critical to preserving affordable housing in the Tenleytown neighborhood of Northwest Washington, DC, which has limited affordable housing. Without approval of this waiver request, the project will not be able to close, putting this much-needed affordable housing resource at-risk. Allowing the DCHA to select Friendship Terrace ensures that the transaction to preserve the property as affordable housing will be realized and this property will remain an affordable housing resource in the community.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5156.

• **Regulation:** 24 CFR 983.53(d), 983.152(c), and 983.153(c).

Project/Activity: DHCD is seeking approval from HUD on behalf of its developer, Covenant Commonwealth Corporation (CCC), to permit CCC to proceed with necessary environmental remediation, demolition, and relocation work prior to entering into an Agreement to enter into a Housing Assistance Payment Contract (AHAP).

Nature of Requirement: As stated in the request, DHCD began a planning process to redevelop a public housing development located at 1185 River Street, 1191–1203 River Street, and 12 Central Avenue located in Boston, Massachusetts in the Hyde Park section of Boston over a period of time. To avoid the long-term displacement of impacted residents, the public housing units on site are scheduled to be demolished in phases. The developer is set to commence the development of 63 units, including eight that DHCD intends to cover by a PBV contract.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 1, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110 and considering the good cause presented, HUD hereby waives 24 CFR 983.53(d), 983.152(c), and 983.153(c) permitting CCC to begin the demolition remediation activities specified in the demolition services agreement, prior to entering an AHAP with DCHD. However, even with the granting of this waiver request, until an AHAP is executed with DHCD, no work beyond what has been identified in this request may be performed; and all activities must be performed in compliance with the same Federal requirements that would apply if an AHAP were in place, including Davis-Bacon prevailing wage requirements.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-5156.

- *Regulation:* 24 CFR 983.53(d) 983.152(c), and 983.153(c).

Project/Activity: FCRHA is seeking approval from the Department of Housing and Urban Development (HUD) on behalf of its developer, Arlington Partnership for Affordable Housing (APAH), to permit APAH to proceed with necessary environmental remediation, demolition, and utility relocation work prior to entering into an AHAP.

Nature of Requirement: 24 CFR 983.53(d) 983.152(c), and 983.153(c), which prohibit a public housing agency (PHA) from executing an Agreement to Enter into a Housing Assistance Payment (AHAP) contract and attaching Project-Based Voucher (PBV) assistance to units if construction or rehabilitation has commenced after proposal submission.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 15, 2023.

Reason Waived: Due to the scale and schedule for this early utility work, the FCRHA is requesting a good cause waiver of the regulations at §§ 983.53(d) 24 CFR 983.152(c) and 983.153(c) that will allow APAH to commence the utility relocation work after completion of the Environmental Review, but before completion of the Subsidy Layering Review (SLR) and execution of the AHAP. Allowing the utility relocation work to proceed before the AHAP is executed will allow for the completion of the new housing faster and before changes in the economy could render the phases unfinanceable, therefore prolonging the lack of affordable housing units within the community.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-5156.

- *Regulation:* 24 CFR 983.205(b).

Project/Activity: The context for THA's waiver request is a redevelopment effort involving the acquisition and renovation of an existing PBV project that will include a Rental Assistance Demonstration (RAD) PBV conversion of 96 public housing units. THA

is requesting a waiver to allow a 20-year contract extension to be executed for the Belmont Phase III PBV HAP contract earlier than the regulations provide.

Nature of Requirement: This regulation states that extensions after the initial extension are allowed at the end of any extension term provided that, not more than 24 months prior to the expiration of the previous extension contract, the public housing agency (PHA) agrees to extend the term. The extension must be appropriate to continue to provide affordable housing for low-income families or to expand housing opportunities.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 6, 2023.

Reason Waived: Consistent with PIH Notice 2017-21, THA could extend this contract until February 1, 2036, without any waiver. Please see Attachment G, Scenario 3 of the Notice. However, for a 20-year extension (which will run from February 2026 until February 2046) to be entered into prior to February 1, 2024, a waiver of 24 CFR 983.205(b) is required. The owners of Belmont Heights Phase III need this waiver because they are working with a lender and investor to refinance the development using tax-exempt bonds and Low-Income Housing Tax Credits. The refinancing is necessary to address physical needs at the property and to preserve long-term affordability. Ultimately, the waiver will facilitate the renovation and development of this important project.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-5156.

- *Regulation:* 24 CFR 985.101(a).

Project/Activity: FHA has been understaffed due to COVID-19 and recently hired a new Executive Director. FHA notes that these issues will impact its ability to compile the necessary data required to complete its SEMAP submission timely. Therefore the FHA needs an extension to allow time to collect the necessary data.

Nature of Requirement: This regulation states that a public housing agency (PHA) must submit the Department of Housing and Urban Development (HUD) required SEMAP certification form within 60 calendar days after the end of its fiscal year. The PHA's fiscal year ended on September 30, 2022; the SEMAP certification was due on or before November 29, 2022.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: January 24, 2023.

Reason Waived: Due to these circumstances, HUD has determined, pursuant to the waiver authority provided at 24 CFR 5.110, that there is good cause to waive, and HUD hereby waives, 24 CFR 985.101(a) to permit the FHA to submit its SEMAP certification after the deadline for its fiscal year ending September 30, 2022.

Contact: Michelle Daniels, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and

Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-6051.

- *Regulation:* 24 CFR 985.101(a).

Project/Activity: The Housing Authority of the City of Perth Amboy requesting a waiver of the requirements of 24 CFR 985.101(a), requiring the SEMAP certification to be submitted within 60 calendar days after the end of their fiscal year, along with their justification for "good cause".

Nature of Requirement: Title 24 CFR 985.101(a) states that a public housing agency (PHA) must submit the Department of Housing and Urban Development (HUD) required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year. The PAHA's fiscal year ends on March 31, 2022, and its SEMAP certification was due on or before May 30, 2022.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: February 22, 2023.

Reason Waived: Pursuant to the waiver authority provided at 24 CFR 5.110, that there is good cause to waive, HUD waives 24 CFR 985.101(a) to permit the PAHA to submit its SEMAP certification after the deadline for its fiscal year ending March 31, 2022.

Contact: Michelle Daniels, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-6051.

- *Regulation:* 24 CFR 985.101(a) and 24 CFR 985.105(a)(1).

Project/Activity: The regulations at CFR 985.101(a) provide that a public housing agency (PHA) must submit the Department of Housing and Urban Development (HUD) required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year. The regulations at 24 CFR 985.105(a)(1) provide that HUD shall assess each PHA's performance under SEMAP annually and shall assign each PHA a SEMAP score and overall performance rating.

Nature of Requirement: The UCHA waiver request states that the disruption of COVID-19 and the impact that it had specifically on the agency justifies this waiver. UCHA states that completing inspections and briefings were difficult because of the COVID-19 pandemic. UCHA closed several times (for two weeks each occasion) during the pandemic, in addition to experiencing staff turnovers. The Executive Director retired in early 2021, due to his declining health, the inspector left in April 2022, and the Section Eight Program Director left without notice in September 2022. The UCHA is in rural Oregon and has struggled to recruit staff in general, especially experienced individuals. The UCHA received an overall rating score as High performer on its prior SEMAP certifications in 2019, Standard in 2018, and High in 2017.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: March 15, 2023.

Reason Waived: Therefore, HUD has determined, pursuant to the waiver authority provided at 24 CFR 5.110, that there is good cause to waive, and I hereby waive, 24 CFR 985.101(a) to permit UCHA to submit its SEMAP certification after the deadline for its fiscal year ending December 31, 2022. The new submission deadline is May 1, 2023.

Contact: Michelle Daniels, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone 202-402-6051.

- *Regulation:* 24 CFR 990.145(b) Public housing dwelling units with approved vacancies.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
City of Daytona Beach	2/7/2023
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 5.801 Uniform Financial Reporting.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR-6301-N-01).

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs

may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Municipality of San Juan	1/5/2023
Municipality of Salinas	1/24/2023
Municipality of Hormigueros	1/24/2023
City of Daytona Beach	2/7/2023
Lee County Housing Authority	2/7/2023
Municipality of Gurabo	2/16/2023
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 902 Public Housing Assessment.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR-6301-N-01).

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
City of Daytona Beach	2/7/2023

- *Regulation:* 24 CFR 905.322(b) Fiscal Closeout.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR-6301-N-01).

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD

regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Municipality of Hormigueros	1/24/2023
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 905.314(b)-(c) (Cost and Other Limitations; Maximum Project Cost; TDC Limit).

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR-6301-N-01).

Reason Waived: HUD's expedited process for waivers and flexibilities from HUD regulatory and administrative requirements ("HUD requirements") during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 905.314(j) (Cost and Other Limitations; Types of Labor).

Project/Activity: FR-6301-N-01 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on

Behalf of Families Affected by Presidentially Declared Disasters.

Reason Waived: HUD’s expedited process for waivers and flexibilities from HUD regulatory and administrative requirements (“HUD requirements”) during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 905.400(i)(5) Capital Fund Formula Need for Projects with Demo or Dispo.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

Reason Waived: HUD’s expedited process for waivers and flexibilities from HUD regulatory and administrative requirements (“HUD requirements”) during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh St. SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Puerto Rico PHA	1/13/2023

- *Regulation:* 24 CFR 960.202(c)(1) Tenant Selection Policies.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and

CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

Reason Waived: HUD’s expedited process for waivers and flexibilities from HUD regulatory and administrative requirements (“HUD requirements”) during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Municipality of Hormigueros	1/24/2023
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of San Juan	1/5/2023

- *Regulation:* 24 CFR 982.206(a)(2) Waiting List; Opening and Closing; Public Notice.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

Reason Waived: HUD’s expedited process for waivers and flexibilities from HUD regulatory and administrative requirements (“HUD requirements”) during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Disaster_Relief@hud.gov.

PHA	Date
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023

PHA	Date
Municipality of Cidra	1/5/2023
Municipality of Caguas	1/5/2023
Municipality of Mayaguez	1/5/2023
Municipality of Guaynabo	1/5/2023
Municipality of Humacao	1/24/2023
Municipality of Gurabo	2/16/2023

- *Regulation:* 24 CFR 982.503(c) HUD approval of exception payment standard amount).

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

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PHA	Date
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of Caguas	1/5/2023
Municipality of Mayaguez	1/5/2023
Municipality of Guaynabo	1/5/2023
Municipality of Ponce	1/5/2023
Municipality of San Juan	1/5/2023
Municipality of Carolina	1/5/2023
Municipality of Bayamon	1/5/2023
City of Daytona Beach	2/7/2023
Municipality of Trujillo Alto	1/24/2023

- *Regulation:* 24 CFR 982.401(d) Housing Quality Standards; Space and Security.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

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PHA	Date
Municipality of Hormigueros	1/24/2023
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of San Juan	1/5/2023
Municipality of Humacao	1/24/2023
Municipality of Gurabo	2/16/2023

- *Regulation:* 24 CFR 982.633(a) Occupancy of Home.

Project/Activity: FR–6301–N–01 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Reason Waived: HUD’s expedited process for waivers and flexibilities from HUD regulatory and administrative requirements (“HUD requirements”) during Presidentially Declared Disasters (PDDs). To respond to PDDs, this notice establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs). PDD PHAs may make such requests utilizing the expedited process set forth in this notification.

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PHA	Date
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of Gurabo	2/16/2023
Municipality of Humacao	1/24/2023
Municipality of San Juan	1/5/2023

- *Regulation:* 24 CFR 984.303(d) Contract of Participation: Contract Extension.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to

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PHA	Date
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of San Juan	1/5/2023
Municipality of Carolina	1/5/2023

- *Regulation:* 24 CFR 985 (SEMAP).

Project/Activity: FR–6301–N–01 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date
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Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of Cidra	1/5/2023
Municipality of Caguas	1/5/2023
Municipality of Mayaguez	1/5/2023

PHA	Date
Municipality of Guaynabo	1/5/2023
Municipality of Humacao	1/24/2023
Municipality of Ponce	1/5/2023
Municipality of San Juan	1/5/2023
Municipality of Carolina	1/5/2023
Municipality of Salinas	1/24/2023
Municipality of Adjuntas	1/30/2023
City of Daytona Beach	2/7/2023
Municipality of Gurabo	2/16/2023

- *Regulation:* Notice PIH 2018–24, Section 8(c) Verification of Social Security Notice (SSN).

Project/Activity: FR–6301–N–01 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date
Municipality of Cayey	1/24/2023
Puerto Rico PHA	1/13/2023
Municipality of Guaynabo	1/5/2023
Municipality of Humacao	1/24/2023
Municipality of San Juan	1/5/2023
Municipality of Bayamon	1/5/2023
Municipality of Gurabo	2/16/2023
City of Daytona Beach	2/7/2023

- *Regulation:* 24 CFR 970.15(b)(1)(ii) Specific Criteria for HUD Approval of Demo Request.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR–6301–N–01).

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PHA	Date
Puerto Rico PHA	1/13/2023
City of Daytona Beach	2/7/2023

• *Regulation:* 24 CFR 970.15(b)(2) Specific Criteria for HUD Approval of Demo Request.

Project/Activity: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters (Docket No. FR-6301-N-01).

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PHA	Date
Puerto Rico PHA	1/13/2023

Extended Streamlined Waivers/Regulation 1

• *Regulation:* 24 CFR 982.505(c)(4) Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term.

Project/Activity: Notice PIH 2022-30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an extension of the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination.

Reason Waived: Extension for PHAs that were granted to the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021-14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver request in accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Date Granted: First Quarter of 2023.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email to PIH_Expedited_Waivers@hud.gov.

PHAs	Date
Hope Housing Authority	3/8/2023
Polk County Housing Authority	2/7/2023
Paragould Housing Authority	3/21/2023
White River Regional Housing Authority	2/2/2023
County of Monterey Hsg Auth	2/17/2023
Center Housing Authority	2/17/2023
Boulder County Housing Authority	3/31/2023
County of Hawaii	3/1/2023
City of Sioux City Housing Authority	1/25/2023
Moline Housing Authority	3/21/2023
Fulton County Housing Authority	1/25/2023
Indianapolis Housing Agency	3/1/2023
Housing Authority of the City of Charlestown	3/21/2023
Housing Authority of the City of Crawfordsville	3/8/2023
Seymour Housing Authority	2/2/2023
Housing Authority of the City of Noblesville	1/4/2023
Johnson County Housing Authority	3/31/2023
Cumberland Valley Regional Housing Authority	1/4/2023
Housing Authority of East Baton Rouge	3/8/2023
West Springfield Housing Authority	3/8/2023
Leominster Housing Authority	1/25/2023
Wicomico County Housing Authority	2/7/2023
Housing Authority of the Town of Easton	2/17/2023
Baltimore County, MD	1/4/2023
HRA of Duluth, Minnesota	2/17/2023
Scotland County Public Hsg Agency	1/25/2023
Phelps County Public Housing Agency	2/17/2023
Housing Authority of the City of High Point	2/6/2023
Williamston Housing Authority	1/17/2023
Scotts Bluff County Housing Authority	3/1/2023
West Central Nebraska Joint Housing Authority	3/31/2023
Housing Authority of the Township of Middleton	3/16/2023
Lorain Metropolitan Housing Authority	2/2/2023
Oklahoma Housing Finance Agency	2/2/2023
Reading Housing Authority	2/2/2023
Clearfield County Housing Authority	3/28/2023
Housing Authority Providence	2/7/2023
Municipality of Patillas	3/8/2023
Housing Authority of the City of Columbia	2/7/2023
Housing Authority of Fort Mill	3/31/2023

PHAs	Date
Vermillion Housing And Redevelopment Commission	3/31/2023
East Tennessee Human Resource Agency	3/16/2023
Hampton Redevelopment & Housing Authority	1/25/2023
Va. Beach Dept. of Hsg & Neighborhood Pres	3/1/2023
Housing Authority of Skagit County	2/7/2023
Racine County Housing Authority	3/8/2023
Kenosha Housing Authority	3/28/2023
Sawyer County Housing Authority	3/21/2023
Dodge County Housing Authority	3/28/2023
Charleston/Kanawha Housing Authority	3/28/2023
Housing Authority of the City of Martinsburg	3/8/2023
Housing Authority of Raleigh County	3/28/2023

Extended Streamlined Waivers/Regulation 2

• *Regulation:* 24 CFR 982.503(b) Voucher Tenancy: New Payment Standard Amount.

Project/Activity: Notice PIH 2022–30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an extension of expedited waiver(s) to allow for establishment of payment standards from 111 to 120 percent of the FMR.

Reason Waived: Extension for PHAs that were granted to the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver request in accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Date Granted: First Quarter of 2023.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410–5000, or email to PIH_Expedited_Waivers@hud.gov.

PHAs	Date
HA Midland City	2/17/2023
Hope Housing Authority	3/8/2023
Polk County Housing Authority	2/7/2023
Paragould Housing Authority	3/21/2023
White River Regional Housing Authority	2/2/2023
Pulaski County Housing Agency	3/21/2023
Center Housing Authority	2/17/2023
Housing Authority of the City of Miami Beach	2/2/2023
County of Hawaii	3/1/2023
County of Maui	3/8/2023
Indianapolis Housing Agency	3/1/2023
Housing Authority of the City of Crawfordsville	3/8/2023
Seymour Housing Authority	2/2/2023
South Central KS Area Agency on Aging (Cowley Co.)	3/16/2023
Housing Authority of Newport	3/8/2023
Cumberland Valley Regional Housing Authority	1/4/2023
Housing Authority of East Baton Rouge	3/8/2023
West Springfield Housing Authority	3/8/2023
Wicomico County Housing Authority	2/7/2023
Housing Authority of the Town of Easton	2/17/2023
Baltimore County, MD	1/4/2023
Phelps County Public Housing Agency	2/17/2023
Whitefish Housing Authority	2/17/2023
Housing Authority of the City of High Point	2/6/2023
Williamston Housing Authority	1/17/2023
Scotts Bluff County Housing Authority	3/1/2023
Housing Authority of the Township of Middleton	3/16/2023
Cortland Housing Authority	3/16/2023
Hudson Housing Authority	2/17/2023
Village of New Hartford	3/21/2023
Lorain Metropolitan Housing Authority	2/2/2023
Erie Metropolitan Housing Authority	1/17/2023
Hocking Metropolitan Housing Authority	2/2/2023
Emerald Development and Economic Network	3/31/2023
Oklahoma Housing Finance Agency	2/2/2023
Reading Housing Authority	2/2/2023
Clearfield County Housing Authority	3/28/2023
Housing Authority Providence	3/21/2023
Municipality of Patillas	3/8/2023
Housing Authority of the City of Columbia	2/7/2023
Vermillion Housing And Redevelopment Commission	3/31/2023
Murfreesboro Housing Authority	3/21/2023
East Tennessee Human Resource Agency	3/16/2023
Housing Authority of Odessa	3/8/2023

PHAs	Date
Panhandle Community Services	2/7/2023
Housing Authority of the City of Ogden	2/7/2023
Trempealeau County Housing Authority	3/16/2023
Racine County Housing Authority	3/8/2023
CDA of the City of West Allis	3/28/2023
Janesville Neighborhood Services	3/16/2023
Sawyer County Housing Authority	3/21/2023
Dodge County Housing Authority	3/28/2023
Wisconsin Housing & Economic Development Authority	3/8/2023
Charleston/Kanawha Housing Authority	3/16/2023
Housing Authority of the City of Martinsburg	3/8/2023
Clarksburg/Harrison Housing Authority	2/17/2023
Housing Authority of Raleigh County	1/17/2023

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